

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ORAL DEPOSITION OF

MIGUEL ORTIZ

AUGUST 14, 2014

ORAL DEPOSITION OF MIGUEL ORTIZ, produced as a witness at the instance of the Defendants and duly sworn, was taken in the above-styled and numbered cause on August 14, 2014, from 3:31 p.m. to 6:08 p.m., before Jodi Cardenas, RPR, CSR in and for the State of Texas, reported by computerized stenotype machine at the Office of the Attorney General of Texas, 209 West 14th Street, 7th Floor, Austin, Texas, pursuant to the Federal Rules of Civil Procedure.

<p>1 APPEARANCES</p> <p>2</p> <p>3 FOR THE PLAINTIFFS, MARC VEASEY, ET AL.:</p> <p>4 Mr. Neil G. Baron</p> <p>5 LAW OFFICE OF NEIL G. BARON</p> <p>6 914 FM 517 West, Suite 242</p> <p>7 Dickinson, Texas 77539</p> <p>8 (281) 534-2748</p> <p>9 neil@ngbaronlaw.com</p> <p>10</p> <p>11 FOR THE DEFENDANTS:</p> <p>12 Mr. Stephen L. Tatum, Jr.</p> <p>13 ASSISTANT ATTORNEY GENERAL - OPINION COMMITTEE</p> <p>14 209 West 14th Street, 7th Floor</p> <p>15 Austin, Texas 78701</p> <p>16 (512) 463-2110</p> <p>17 stephen.tatum@texasattorneygeneral.gov</p> <p>18</p> <p>19 FOR THE UNITED STATES DEPARTMENT OF JUSTICE:</p> <p>20 Mr. J. Eric Rich (Via Telephone)</p> <p>21 UNITED STATES DEPARTMENT OF JUSTICE, VOTING SECTION</p> <p>22 950 Pennsylvania Avenue, Room 7254 NWB</p> <p>23 Washington, DC 20530</p> <p>24 (202) 305-0107</p> <p>25 j.rich@usdoj.gov</p>	<p>2</p> <p>1 EXHIBITS</p> <p>2</p> <p>3 NO. DESCRIPTION PAGE</p> <p>4 1 Notice of Deposition.....13</p> <p>5 2 Notice of Deposition.....15</p> <p>6 3 Plaintiff's First Amended Complaint.....19</p> <p>7 4 Printout from LULAC Web Site.....24</p> <p>8 5 Printout from Texas Department of Public Safety Web Site.....71</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 INDEX</p> <p>2 PAGE</p> <p>3 Appearances.....2</p> <p>4 MIGUEL ORTIZ</p> <p>5 Examination by Mr. Tatum.....5</p> <p>6 Changes and Signature.....89</p> <p>7 Reporter's Certificate.....91</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>3</p> <p>5</p> <p>1 (Mr. Rich not present)</p> <p>2 MIGUEL ORTIZ,</p> <p>3 having been first duly sworn, testified as follows:</p> <p>4 EXAMINATION</p> <p>5 BY MR. TATUM:</p> <p>6 Q. Good afternoon. My name is Stephen Tatum. I'm</p> <p>7 an assistant attorney general representing the</p> <p>8 defendants in this matter. It's August 14th. The time</p> <p>9 is 3:57, or thereabouts. We're here at the attorney</p> <p>10 general's office in Austin, Texas, on the 7th Floor.</p> <p>11 Q. Would you please state your -- state and</p> <p>12 spell your full name for the record, please?</p> <p>13 A. Miguel A. Ortiz. M-I-G-U-E-L, A, O-R-T-I-Z.</p> <p>14 Q. And, Mr. Ortiz, where do you reside?</p> <p>15 A. San Antonio, Texas.</p> <p>16 Q. And are you represented by counsel today?</p> <p>17 A. He's right next to me.</p> <p>18 Q. And --</p> <p>19 A. Neil.</p> <p>20 Q. Neil Baron?</p> <p>21 A. Neil Baron.</p> <p>22 Q. Okay. Mr. Ortiz, have you ever been deposed</p> <p>23 before?</p> <p>24 A. No. I've been on many depos on the other side</p> <p>25 but not -- I don't -- I don't think I've ever been in a</p>
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<p>1 depo in anything.</p> <p>2 Q. You've never been deposed yourself?</p> <p>3 A. No.</p> <p>4 Q. Okay.</p> <p>5 A. I don't think so.</p> <p>6 Q. Okay. I'll go over some quick ground rules</p> <p>7 that will cover this deposition. I'm going to be asking</p> <p>8 you questions, and I need to give -- I need for you to</p> <p>9 give me verbal answers to those questions. So please</p> <p>10 avoid nodding your head or shaking your head or saying</p> <p>11 "uh-huh" or no things like that. The whole idea is we</p> <p>12 need to speak clearly and give the court reporter a</p> <p>13 chance to transcribe an accurate record of what we say</p> <p>14 here today. Do you understand?</p> <p>15 A. Uh-huh. Yes, sir.</p> <p>16 Q. In that regard, we need to try to avoid talking</p> <p>17 over each other. So even if you anticipate the answer</p> <p>18 to one of my questions, please allow me to finish my</p> <p>19 question before you begin to answer, and I'll do the</p> <p>20 same for you. I'll -- I'll wait until you finish your</p> <p>21 answer before I ask another one. Do you understand?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Okay. That may be easier said than done, but I</p> <p>24 just ask that we do our best to avoid talking over each</p> <p>25 other. If you don't understand a question that I ask or</p>	<p>6</p> <p>1 from answering my questions truthfully and accurately?</p> <p>2 A. No.</p> <p>3 Q. Okay. Mr. Ortiz, would you mind --</p> <p>4 A. No.</p> <p>5 Q. -- putting it on the table there?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Thank you. Just a little distracting.</p> <p>8 Could you tell me what you did to prepare</p> <p>9 for this deposition today?</p> <p>10 A. What did I do to prepare?</p> <p>11 Q. Yes.</p> <p>12 A. I got your deposition notice, so I know what it</p> <p>13 is you're asking. I review part of the file but not</p> <p>14 much. I don't have too much time to read everything,</p> <p>15 so...</p> <p>16 Q. About how much time did you spend reviewing</p> <p>17 those materials?</p> <p>18 A. An hour and a half, two hours maybe.</p> <p>19 Q. And when was that?</p> <p>20 A. Between yesterday and today.</p> <p>21 Q. Did you have any meetings with counsel or</p> <p>22 anyone else?</p> <p>23 A. Just -- we had a conference call.</p> <p>24 Q. And when was that?</p> <p>25 A. The day before yesterday.</p>
<p>7</p> <p>1 you didn't hear it clearly, please say so. I'll gladly</p> <p>2 rephrase it or restate it or do whatever I can to make</p> <p>3 sure you understand it. Do you understand that?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Okay. Your attorney may object to one of my</p> <p>6 questions, but unless he specifically instructs you not</p> <p>7 to answer, you're still required to answer my question.</p> <p>8 Do you understand?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Okay. Do you understand that you are under</p> <p>11 oath, which means that you must tell the truth, and that</p> <p>12 you are under the -- or that you are subject to the</p> <p>13 penalty of perjury if you do not?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Okay. Mr. Ortiz, how are you feeling today?</p> <p>16 A. I'm good.</p> <p>17 Q. Are you suffering from any illnesses that would</p> <p>18 prevent you from answering my questions truthfully and</p> <p>19 accurately?</p> <p>20 A. No.</p> <p>21 Q. Are you taking any medications that might</p> <p>22 prevent you from answering my questions truthfully and</p> <p>23 accurately?</p> <p>24 A. No.</p> <p>25 Q. Is there anything else that might prevent you</p>	<p>9</p> <p>1 Q. And about how long was that conference call?</p> <p>2 A. It was the day before yesterday or yesterday.</p> <p>3 One of those two days. I think it was the day before</p> <p>4 yesterday.</p> <p>5 Q. About how long was that conference call?</p> <p>6 A. I'm not sure. Maybe 25 minutes, 30 minutes,</p> <p>7 probably less.</p> <p>8 Q. You mentioned this already, but did you bring</p> <p>9 any documents with you here today?</p> <p>10 A. No.</p> <p>11 Q. Okay. Is there anything else you did to</p> <p>12 prepare for this deposition that you didn't already</p> <p>13 mention?</p> <p>14 A. No.</p> <p>15 Q. Okay. Mr. Ortiz, can you tell me when and</p> <p>16 where you were born?</p> <p>17 A. I was born in Fort Benning, Georgia, on</p> <p>18 September 29th, '67.</p> <p>19 Q. What brought you to Texas?</p> <p>20 A. The United States Army. I was active duty when</p> <p>21 I got to Texas.</p> <p>22 Q. Are you currently on active duty?</p> <p>23 A. No.</p> <p>24 Q. Can you tell me a little bit about your</p> <p>25 educational background?</p>

10

1 A. Civilian or military?
2 Q. Either.
3 A. Civilian, I have a bachelor's degree in
4 business. I have a master's in accounting, and I have a
5 law degree.
6 Q. Are you currently licensed to practice law?
7 A. Yes, sir.
8 Q. In the State of Texas?
9 A. Yes, sir.
10 Q. And you mentioned a military educational
11 background. Can you tell me a little bit about that?
12 A. I was a nuclear biological chemical specialist
13 for the United States Army. So I got a whole bunch of
14 education on that. Basic noncommissioned officer
15 school. I mean, there are a lot. Primary leadership
16 school, events, courses on chemical, biological, and
17 nuclear subjects.
18 THE REPORTER: Nuclear subjects?
19 THE WITNESS: Nuclear, yeah.
20 Q. (BY MR. TATUM) And when were you discharged
21 from active duty?
22 A. June 2000 -- hold on a second.
23 Yeah. No. Actually, I graduated in --
24 yeah. June 2000.
25 Q. Mr. Ortiz, are you currently employed?

12

1 I'm not sure about that, so --
2 Q. Somewhere around --
3 A. -- don't hold me to that one. But it's been
4 about four or five years now.
5 Q. And as the State of Texas legal adviser for
6 LULAC, what are your official responsibilities?
7 A. I'm responsible to advise the executive board
8 as to any legal matters that affects LULAC directly or
9 that LULAC wants to get involved to or with or partner
10 with, depending on the issues. I give the board an
11 advice, but it's still got to be approved by national
12 anyway. So it's sort of like I will be like the eyes of
13 the legal national -- nationwide for the state board.
14 Q. And are you the only legal adviser to the Texas
15 state board?
16 A. Yes.
17 Q. Is that a paid position?
18 A. It is a position, yes.
19 Q. Do you get compensated for your work?
20 A. No. It's a voluntary basis. And I don't get
21 paid by LULAC to do my job, if that's what you mean.
22 Q. Yes.
23 A. But if there's a lawsuit involved that I'm the
24 lead counsel on it -- of course, it depends on what the
25 situation is -- then I would get compensated for my work

11

1 A. Yes.
2 Q. And who is your employer?
3 A. Ortiz Law Office, PC.
4 Q. And is that law office based in San Antonio?
5 A. San Antonio, and we have an office in Belton,
6 and another one in Puerto Rico.
7 Q. Okay. What kind of law do you practice?
8 A. Primary -- it depends. Fort Hood office mainly
9 is family law. San Antonio office is a combination of
10 personal injury and family law. And then Puerto Rico
11 depends on the cases.
12 MR. BARON: Vacation law.
13 (Laughter)
14 Q. (BY MR. TATUM) What is your role at LULAC?
15 A. I'm the state -- the state legal adviser. The
16 State of Texas legal adviser.
17 Q. And how long have you held that role?
18 A. I want to say a little over two years. A
19 little more than two years, two years and a half. For
20 sure, more than two years.
21 Q. Okay. Did you have any other role with LULAC
22 before that?
23 A. I was a member, just a regular member of LULAC.
24 Q. When did you first become a member of LULAC?
25 A. Wow. '10. 2010, I think. Not too far back.

13

1 on that particular case, but not necessarily from LULAC.
2 Maybe from the defendants or something like that.
3 Q. Okay. And you mentioned that you advise the
4 executive board of LULAC?
5 A. Texas LULAC.
6 Q. Of Texas LULAC. Can you tell me who comprises
7 the executive board of Texas LULAC?
8 A. Okay. The state director, state vice director,
9 I guess, the second director. Then you have the
10 treasurer. Then you have the district directors.
11 If memory serves me correctly, it's 21
12 districts in the State of Texas, so that would be 21
13 members. That's for the executive board. Then you have
14 the actual board, which is comprised of more members,
15 which is the appointees, such as the chair of the
16 committees, state-level committees, and things like
17 that.
18 Q. And do you advise that regular board in
19 addition to the executive board?
20 A. Yes.
21 Q. Okay.
22 (Exhibit No. 1 marked)
23 Q. (BY MR. TATUM) Mr. Ortiz, I'm handing you
24 what's been marked as Exhibit 1. If you would, take a
25 quick minute and just look over this document that I've

1 just handed you, please.
 2 A. Okay.
 3 Q. Do you recognize this document?
 4 A. I'm not sure because it has a different date on
 5 it.
 6 Q. Would you turn to Page 2, please?
 7 A. Right.
 8 Q. And would you read for me there, kind of near
 9 the bottom of the page, the language that's in capital,
 10 bold letters?
 11 A. "Defendant Notice of Intent to Take Oral
 12 Deposition of League of United Latin American Citizens,
 13 LULAC." The date is June 3rd, 2014.
 14 MR. BARON: Hold on. Let's go off the
 15 record.
 16 (Off the record)
 17 (Mr. Rich present via telephone)
 18 MR. TATUM: Okay. We've had someone join
 19 us over the phone. Do you want to introduce yourself
 20 real quick?
 21 MR. RICH: Eric Rich representing United
 22 States.
 23 MR. TATUM: Thank you.
 24 Q. (BY MR. TATUM) Okay. Before we went off the
 25 record, Mr. Ortiz, I handed you an exhibit that's been

1 marked as Exhibit 1. I think we can put that aside for
 2 a second -- or for the rest of this deposition.
 3 (Exhibit No. 2 marked)
 4 Q. (BY MR. TATUM) I'm now handing you what's been
 5 marked as Exhibit 2. If you would please, take a moment
 6 to look this over.
 7 A. Okay.
 8 Q. Mr. Ortiz, do you recognize this document?
 9 A. Yes.
 10 Q. And what is this document?
 11 A. That's the notice I received for this
 12 deposition.
 13 Q. It's the notice of intention to take oral
 14 deposition of the League of United Latin American
 15 Citizens. Correct?
 16 A. Yes, sir.
 17 Q. Did you review this notice in preparation for
 18 this deposition?
 19 A. Yes, sir.
 20 Q. If you would please, turn to Page 4. Are you
 21 there at Page 4?
 22 A. Yes, sir.
 23 Q. Okay. At the bottom of Page 4, there's a
 24 heading that says "Matters," and that is followed by a
 25 series of numbered paragraphs from 1 to 29. Do you see

16

1 those paragraphs?
 2 A. Yes, sir.
 3 Q. Would you take just a quick moment and review
 4 those paragraphs, please?
 5 A. You want me to read them?
 6 Q. You don't have to read them out loud, but just
 7 look over them and make sure you understand what's
 8 contained in each one.
 9 A. Okay.
 10 Q. Having had a chance to review the topics
 11 contained in this notice, are you aware that you've been
 12 designated by the League of United Latin American
 13 Citizens, which I'll refer to from here on in as LULAC,
 14 to testify and give truthful and binding answers on its
 15 behalf regarding the topics described in this notice?
 16 A. To those that I have knowledge, yes.
 17 Q. Okay. Are there any topics contained in this
 18 notice that you do not have knowledge of?
 19 A. Personal knowledge you mean or --
 20 Q. Personal or general knowledge.
 21 A. Well, there's several that I don't have direct
 22 personal knowledge of.
 23 Q. Can you tell me which ones those are?
 24 A. The factual basis of contentions. I personally
 25 don't have any personal knowledge.

1 Q. Is that paragraph No. 1?
 2 A. Yes. The identity of the members. I don't --
 3 I don't know every member, so I don't know that. So
 4 three, four, five, six -- I mean, it's over a hundred
 5 thousand members, so I do not know the identity of the
 6 members.
 7 Q. Okay. We'll get to that.
 8 A. All right. I mean, I don't -- 15, I -- I'm not
 9 sure what is it you want there.
 10 Q. Do you not understand topic 15?
 11 A. I don't understand your request. Any
 12 calculation reports, audits, estimates, projections, or
 13 audit analysis related to the effect of SB14 on minority
 14 voters or on voters who are members of the language
 15 minority group from 2005 to the present.
 16 MR. BARON: Just for the record, Miguel.
 17 THE WITNESS: Yes.
 18 MR. BARON: I mean, I think that obviously
 19 should say "prepared by LULAC" or "done by LULAC."
 20 Okay. So I -- I mean, I don't know if that's where
 21 you're hung up or not.
 22 THE WITNESS: I mean, I don't know
 23 what's -- I really don't know what it's asking. I'm
 24 just taking the language as written so --
 25 MR. BARON: Right. Sure.

18

1 THE WITNESS: And I think that's --
2 MR. BARON: But to the extent -- but to
3 the extent they were referring specifically, I mean,
4 he's going to ask you about whether -- what was or was
5 not done by LULAC, and you either have knowledge or --
6 THE WITNESS: Sure. I totally understand.
7 MR. BARON: -- you don't have knowledge
8 about whether LULAC as a statewide entity --
9 THE WITNESS: And it's -- don't -- maybe
10 if we go and -- as you go and I -- because right now I
11 don't know what your questions are --
12 Q. (BY MR. TATUM) Okay.
13 A. -- directly on those points. So I cannot tell
14 you I don't know anything, I know a little --
15 Q. Okay.
16 A. -- I know a lot. I got some.
17 Q. Sure. In the interest of moving this along,
18 why don't I just ask, are there any topics that are
19 listed here that you to your knowledge have not been
20 designated to testify to?
21 A. Not that I know.
22 Q. Okay. And as we go along, if you don't have
23 any knowledge of something that I ask you, just state as
24 much on the record.
25 A. Right. Okay.

20

1 A. I -- I have no knowledge whether it is accurate
2 or not.
3 Q. Mr. Ortiz, can you tell me when LULAC first
4 learned of this lawsuit?
5 A. I'm not sure. I mean, they are -- LULAC is a
6 plaintiff, so I hardly knew when it was filed. Is that
7 what you're asking me?
8 Q. Yes.
9 A. Well, they're plaintiffs, so they knew about it
10 when they filed it.
11 Q. And how was the decision made to join this
12 lawsuit?
13 A. The decisions on -- decisions made to file
14 lawsuits are made by the executive board of the national
15 executive board for any lawsuit at any level that has
16 the name of LULAC. That's -- I can give you an example.
17 If Texas has an issue, then Texas has to present that
18 issue to the executive board, the national board, then
19 it gets -- goes to them, and they vote, and they decide
20 whether they're going to file or not, or they're going
21 to participate or not in any lawsuit, not just in this
22 particular one. So that's how they -- that's how
23 it's -- that's how it works within the organization.
24 Q. So the Texas executive board proposed the
25 initiating of this lawsuit to the national executive

19

1 MR. BARON: We'll decide if I really need
2 to chase that particular topic or not at a later date.
3 (Exhibit No. 3 marked)
4 Q. (BY MR. TATUM) Mr. Ortiz, I'm handing you
5 what's been marked as Exhibit 3. Would you please take
6 a moment to look over this document, please?
7 A. Okay.
8 Q. Mr. Ortiz, do you recognize what this document
9 is?
10 A. I mean, this is the pleadings. Maybe the live
11 pleadings in this suit.
12 Q. Sorry.
13 A. Go ahead.
14 Q. I'll represent to you that this is the
15 plaintiff's, including LULAC's, first amended complaint
16 that was filed in this lawsuit.
17 A. Okay.
18 Q. Have you seen this complaint before?
19 A. I have.
20 Q. Did you assist in any way with the
21 preparation -- preparation of this complaint?
22 A. No.
23 Q. Do you have any reason to believe that any of
24 the information contained in this complaint is not
25 accurate?

21

1 board. Is that correct?
2 A. Right. And -- yes. The state director will
3 take whatever the state board resolved through their
4 meetings and present that to the national, and then
5 national will vote yea or nay, and then it gets filed
6 depending on -- depending on what it is. You know, if
7 it's a state-level lawsuit, if it's a national-level
8 lawsuit. Sometimes national can say, okay, we're going
9 to leave it to the state level. If state level wants to
10 pursue it, then state level would pursue it. Or they
11 can say, no, we're not going to pursue it or, yes, we're
12 going to pursue it, and we're going to do it at the
13 national level. So it all depends what type of case is
14 it.
15 Q. And how did the Texas executive board of LULAC
16 decide to initiate this lawsuit and present it to the
17 national board?
18 A. This particular one or in general?
19 Q. This one (indicating).
20 A. Well, I wasn't -- I wasn't present on that day,
21 so I cannot tell you what happened on that day.
22 Q. Okay.
23 A. I -- I had no personal knowledge of how that
24 happened. I can tell you that the organization is
25 somewhat consistent or doesn't deviate from the process

22

1 often. So if I follow the process that I have followed
2 while I've been involved, then it will be something
3 similar to what I just explained to you.

4 Q. In considering whether to seek the approval of
5 the national executive board to initiate this lawsuit,
6 did the Texas board of LULAC consider the input of its
7 members?

8 A. Right. Well, the --

9 MR. BARON: I'm going to object to form.
10 And you can go ahead and answer. I think that -- I'll
11 let him answer. I'll just object to form.

12 THE WITNESS: I think you've got to --
13 it's the structure of the organization first. That
14 way -- because its members of -- members of the
15 organization can attend any meeting. They are not
16 executive meetings. They're open. And anyone can
17 address the board to whatever issues they may have.

18 Usually the state directors will bring the issues that
19 affect that district. I mean, let me correct that.

20 The district directors will bring to the
21 state board whatever issues these members or the
22 district members brings to them, and they present it to
23 the board, and then the board with all the directors, I
24 guess, opens that issue for discussion. It gets
25 discussed, and then it puts it to vote. Sometimes there

24

1 A. If you say that. LULAC represents all
2 Hispanics or minorities. The premises of the foundation
3 of the organization was to protect the rights of Latin
4 Americans and minorities in general. You don't have to
5 be Hispanic to be a minority, so whomever gets affected.
6 And LULAC believes that a particular issue, a particular
7 law, a particular point is against -- or affects the
8 rights of the minorities and the community in general,
9 then they get involved. So that's the policy. That's
10 the general policy.

11 Q. Okay. That presents a good opportunity to
12 introduce my next exhibit.

13 (Exhibit No. 4 marked)

14 Q. (BY MR. TATUM) I'm handing you what's been
15 marked as Exhibit 4. Mr. Ortiz, I represent to you that
16 this is a screen shot captured printout of the LULAC Web
17 site. Is that what this looks like to you?

18 MR. BARON: National or state?

19 THE WITNESS: This is national, I think.

20 Q. (BY MR. TATUM) I believe this is national.

21 A. It looks familiar, that it's -- it looks like
22 the national -- if I -- if I trust what it says on the
23 address up there --

24 Q. Uh-huh.

25 A. -- it says "lulac.org," and I have no reason to

23

25

1 are issues. There are attorney-client privilege, for
2 example. So we go into an executive meeting, where only
3 the executive members are present, just to keep that
4 confidentiality present.

5 So it all depends on what is discussed.

6 But any member can come to all these meetings and
7 express whatever concern they may have, regardless
8 whether they are members of the board or not.

9 Q. (BY MR. TATUM) So I guess what I -- what I'm
10 trying to get at is, how did LULAC's involvement in this
11 lawsuit originate. Was it something that was brought to
12 the board by an individual member, or was this an issue
13 that the board members realized themselves?

14 A. I cannot tell you. I wasn't -- I wasn't
15 present when that -- when it first came about. So I
16 cannot tell you at what point it was brought up
17 specifically and at what point it was voted. I cannot
18 tell you.

19 Q. Okay. Do you know if LULAC consulted with any
20 of the other named plaintiffs on the complaint that you
21 have in front of you before deciding to initiate this
22 lawsuit?

23 A. I don't have personal knowledge of that.

24 Q. Okay. Is LULAC representing the rights of its
25 members in this lawsuit?

1 doubt that this is a -- but I cannot tell you for sure.
2 It looks like that.

3 MR. TATUM: Can we go off the record just
4 for one second?

5 (Off the record)

6 Q. (BY MR. TATUM) Okay. If you would, please, on
7 Exhibit 4 here, on that first page, there's a title that
8 says "Frequently Asked Questions," and under that
9 there's a Paragraph 2 that says, "What is LULAC's
10 Mission?" Do you see that?

11 A. Yes.

12 Q. Can you read for me what it says under that?

13 A. "The mission of the League of United Latin
14 American Citizens is to advocate the economic condition,
15 education or attainment, political influence, housing,
16 health, and civil rights of the Hispanic population of
17 the United States."

18 Q. And is that -- if that is the mission of the
19 national LULAC, which I believe that this Web site
20 represents, is that mission shared by the Texas branch
21 of LULAC?

22 A. It's shared by the whole organization. There's
23 no deviation from anything.

24 Q. Okay.

25 A. It is -- the League of United Latin American

26

1 Citizens is one organization. It doesn't divide by --
 2 it's not different organizations throughout the nation
 3 of -- there's only one organization, one component, and
 4 then just the members of --

5 Q. Okay.

6 A. -- how it's divided.

7 Q. But you stated that the Texas, I guess, branch
 8 of LULAC, for lack of a better word, has its own
 9 executive board. Is that correct?

10 A. Every state.

11 Q. Every state has its own executive board that
 12 reports to the national board of LULAC?

13 A. Right. You have national, then you have
 14 regional vice presidents. They're a member of the
 15 national board. The national board is composed by the
 16 national president, and then you have the vice
 17 presidents which are regional, the southwest, the -- the
 18 northwest, northeast, southeast. I think there are six
 19 or seven. Wow. I forgot the other ones. But they're
 20 divided by regions.

21 So each region will have their own vice
 22 president, then that vice president will oversee seven,
 23 eight states. And -- and then the states have their
 24 directors with their boards. There's not a regional
 25 board. There's not a southwest regional board. There's

28

1 I think -- so what you're telling us is that -- so if
 2 I'm a Texas member of LULAC, I am a national member of
 3 LULAC?

4 THE WITNESS: Right.

5 MR. BARON: And if I am a California
 6 member of LULAC, I'm a national member of LULAC?

7 THE WITNESS: Right.

8 Q. (BY MR. TATUM) So there's different charters?

9 A. The charters -- you cannot -- you cannot
 10 just -- in order to be a member of LULAC, you've got to
 11 pay your national dues and your state dues, of course.
 12 But the membership is issued by national.

13 Q. Okay.

14 A. That's it. Every member, no matter where
 15 you're from, all states plus Puerto Rico, all members
 16 are registered at the national level.

17 Q. Can you tell me, if you know, what the Texas
 18 state membership dues are?

19 A. Like the membership dues?

20 Q. How much those are.

21 A. I cannot tell you with certainty. I think I
 22 know, but I cannot bet on it, because it changes. But
 23 you pay -- if you have a new council, a new council is
 24 usually composed of 11 members or more. That's usually
 25 where -- you know, you have -- may have a council that

27

1 just the vice president.
 2 And then you get the state board. Then
 3 the state board oversees the state -- the district
 4 directors, and then each direct -- each district
 5 director will have councils, and then each council will
 6 have their own little directive or, you know, the
 7 president or the council just to operate themselves.
 8 But everybody -- it's one constitution for everybody.
 9 One book, one rule, one view.

10 Q. Okay. So in this lawsuit, does LULAC represent
 11 the interests of its members in the State of Texas, or
 12 does it represent all members of LULAC?

13 A. I don't think there's a separation of that.

14 There is not a separation of who we -- it's the
 15 organization.

16 Q. Okay.

17 A. So I don't know. I mean, I'm pretty sure that
 18 Texas is included in this because it affects Texas,
 19 so...

20 Q. Okay. I'm just -- I'm just trying to get an
 21 understanding of the organization of LULAC.

22 A. Right, but it's only one membership. I mean,
 23 Texas has probably the majority of the members in the
 24 organization. It's the No. 1 state in membership.

25 MR. BARON: Without messing up the record,

29

1 has 30 members, but usually there are about ten or 11
 2 members in each council. Each council has four
 3 delegates to the national convention or to the state
 4 convention. There is a 30 -- there is a 75 council
 5 membership due. Like when you form a council, you've
 6 got to pay national \$75 for that council.

7 Then you've got to pay \$30, I think. And
 8 those \$30 are divided between national and state. I
 9 think it's \$15 and \$15, if my memory serves me
 10 correctly. So when the member pays national, it pays
 11 \$75 for the initiation of the council. That's a
 12 one-time fee. And then \$30 for every member every year.
 13 The membership fee is paid every year.

14 Q. Can you tell me how one becomes a member of
 15 LULAC?

16 A. If you're 18 years old, you can be a member of
 17 LULAC. It doesn't require you to race, it doesn't
 18 require you anything. You can -- we have members who
 19 are nonHispanic members. So you fill out your
 20 application.

21 THE REPORTER: Application?

22 THE WITNESS: The application.

23 THE REPORTER: Okay.

24 THE WITNESS: You have to be -- you have
 25 to be -- you have to be a member of a council. You're

30

1 not going to have members of LULAC who are just a
 2 general member, belongs to nobody kind of deal. That
 3 doesn't exist, at least to my knowledge. So usually
 4 what you see is you get one community person who wants
 5 to make a supporting group for whatever issue and get
 6 these people, and they as a group work around -- or make
 7 the application, files it. So it's very simple. You
 8 are age of 18 or more, then -- then you get the
 9 endorsement of the council that you're going to belong
 10 to, plus a member in good standing. So you -- you need
 11 that referral or sponsor for you to come in.

12 Q. (BY MR. TATUM) And so if you were -- if
 13 there's a council already established, and you're 18
 14 years old, you fill out the application, you get the
 15 sponsorship of that council, and then to join it, do you
 16 pay the \$30?

17 A. Right.

18 Q. And that --

19 A. Because the council already have paid the \$75.

20 Q. Right. So to become a member and join that
 21 council you pay \$30, and then that \$30, as you said, is
 22 split 50/50 between national and state?

23 A. And state. I think it's \$30. I'm not a
 24 hundred percent sure.

25 Q. Okay.

32

1 vagueness.

2 Q. (BY MR. TATUM) Do you -- do you understand
 3 what I mean when I say "a partisan organization"?

4 A. For a particular party or something like that?

5 Q. A particular political party, yes.

6 A. None. Actually, it's not. It's civil rights.

7 We do not get involved in direct politics.

8 MR. BARON: I'll withdraw my objection.

9 Q. (BY MR. TATUM) Does LULAC -- we talked about
 10 members of LULAC. Does LULAC have people that it would
 11 consider its constituents?

12 MR. BARON: I'm going to object to form.

13 THE WITNESS: I really don't understand
 14 what --

15 Q. (BY MR. TATUM) Let me ask it another way.

16 Does LULAC serve anyone other than its
 17 members?

18 A. The community as a whole.

19 Q. Including people who might not be members of
 20 LULAC?

21 A. You're Hispanic, and LULAC is advocating for
 22 Hispanic, and the result is positive, all Hispanics
 23 benefit. It's not for the particular benefit of its
 24 members. It's for a particular benefit of a class. I
 25 guess you could say it that way.

31

33

1 A. I think. I think it's \$30. Don't hold me on
 2 the amount, but I think it's \$30.

3 Q. Okay. So when you say half of that \$30 --
 4 we'll just say \$30 for now. When you say half of that
 5 \$30 goes to state, is that the Texas executive board of
 6 LULAC?

7 A. Right. It goes to their state fund.

8 Q. Okay. And who has control over that fund?

9 A. Of the state fund? The state.

10 Q. That would be the Texas executive --

11 A. Each -- each state. All states are the same.

12 They're all designed the same way, same structure,
 13 same -- partial independence, I guess. They control
 14 their own funding, they do their own fund-raising,
 15 councils still do the same. A local council can open a
 16 bank account and do their own fund-raising to contribute
 17 to educational funds or things like that.

18 Q. Okay. Is LULAC -- is LULAC a partisan
 19 organization?

20 A. A what?

21 MR. BARON: Object to form.

22 THE WITNESS: LULAC is -- what is it
 23 again?

24 MR. BARON: He asked if they were a
 25 partisan organization, and my objection is form,

1 Q. What kind of services does LULAC provide to its
 2 members?

3 A. I think you need to be a little more specific.

4 When you say "services," what do you mean by "services"?

5 Q. When one becomes a member of LULAC --

6 A. Okay.

7 Q. -- what kinds of benefits or services come
 8 along with that membership?

9 A. When you become a member of LULAC, you actually
 10 are telling LULAC, I'm here to volunteer. So I think
 11 it's -- LULAC doesn't benefit until -- it's a nonprofit.

12 LULAC -- whatever efforts LULAC makes, the end result
 13 benefit will be the community as a whole. So when I --
 14 for example, when -- I can tell you when I joined LULAC,
 15 my purpose was to help with whatever issues I can help
 16 with or whenever my skills were needed, to support
 17 issues that affect Hispanics, all minorities as a whole.

18 So I don't receive any direct benefit from LULAC other
 19 than, I guess, being part of a very respectful
 20 organization.

21 Q. So would you say that LULAC is primarily a
 22 volunteer organization?

23 A. Yes.

24 Q. Looking back at Exhibit 4 that you have in
 25 front of you --

1 A. Yes.
2 Q. -- on that first page, Paragraph 3 there says,
3 "How does LULAC work toward achieving its mission." Do
4 you see that paragraph?

5 A. Yes, sir.

6 Q. Okay. And underneath that paragraph, the first
7 bullet point there says "Programming." Do you see that?

8 A. Yes, sir.

9 Q. And in that paragraph, it talks about some of
10 its programming areas, which include civic
11 participation, civil rights, economic development,
12 education, health, leadership, et cetera. Do you see
13 those?

14 A. Yes.

15 Q. Are those all activities that LULAC regularly
16 engages in?

17 A. Yes.

18 Q. The next one -- the next bullet point there
19 says "advocacy." Can you tell me a little bit more
20 about the advocacy activities of LULAC?

21 A. I can give you examples of -- example this
22 year, in October, LULAC every year tried to meet as many
23 congressmens (sic) and members of the legislature
24 nationwide. They -- legislature nationwide, to express
25 LULAC's concern about issues regarding all the subjects

1 A. They -- they advise the state board, for
2 example, as to what's coming to -- to Austin, what is
3 pending, what is going to go to vote, whether we need
4 people to support, to go talk to -- to show support, to
5 make a present -- things like that. Testify in
6 legislature hearings, if it's necessary. That kind of
7 participation.

8 Q. Did LULAC engage in any of those
9 advocacy-related activities with regard to Senate Bill
10 14 that was enacted during the 2011 legislature?

11 A. I believe so. I believe two members of our
12 organization actually testified, if my memory serves me
13 correctly, during the hearings.

14 MR. BARON: Tell him what you recall.

15 THE WITNESS: Don't hold me to it, but
16 I -- I think we have a few members that actually
17 testified in front of the legislature concerning SB14.

18 Q. (BY MR. TATUM) And at that time in 2011, you
19 were just a member of LULAC. You were not the legal
20 adviser. Correct?

21 A. Two years back. No.

22 Q. Okay.

23 A. That's correct. I was not the legal adviser.

24 Q. As a member of LULAC during that time, do you
25 recall getting any kind of mass communication or e-mail

1 you mentioned in the paragraph above kind of deal.
2 So this year, for example, there is a
3 youth recognition ball in Washington, D.C., from the 2nd
4 to the 5th, I think. And during that time, there are
5 meeting schedules to meet with legislators, just for us
6 to express the opinions -- I mean, to express the issues
7 that we have affecting each individual community because
8 people -- there's a lot of people that come from every
9 state. And, of course, every state gets affected
10 differently. So that would be some advocacy program
11 that we have kind of deal.

12 Q. Okay. And you mentioned those activities on
13 the national level. Does LULAC engage in similar
14 activities at the state level?

15 A. Yes.

16 Q. And can you describe some of those
17 advocacy-related activities that LULAC has conducted
18 specifically in Texas?

19 A. We have a legislature chair, like a committee.
20 Fidel Acevedo is the name of the chair. And he comes
21 here to Capitol Hill and, I guess, try to enlighten the
22 legislatures about the positions that LULAC may have,
23 depending on what issues are pending or not pending in
24 the legislature.

25 Q. Uh-huh.

1 blast from LULAC regarding SB14-related activities? And
2 when I say "SB14," I'm referring to Senate Bill 14
3 enacted during the 2011 legislature?
4 A. I'm not sure. I know we were -- I know it was
5 a lot of talking and a lot of movement within the
6 organization, because the organization believed that the
7 legislature was not fair to the minorities. So I know
8 it was a lot of talking, a lot of public appearances. I
9 cannot recall who exactly did it.

10 Press conferences, maybe press releases, I
11 think some of them came out. I don't -- I don't -- I
12 cannot tell you specifics, but I can tell you that,
13 during that time, the organization word -- you know,
14 SB14 is coming and SB14 -- so it was a pretty, I guess,
15 important subject within the organization during that
16 time. I recall that, yes.

17 Q. Did LULAC as an organization oppose SB14?

18 A. I don't think so.

19 Q. It did not?

20 A. Back then?

21 Q. Correct. During --

22 A. Well, I wasn't there, so I cannot tell you what
23 the people who testify said. If you ask me based on
24 what we have today, then the answer to that is no.

25 Everybody opposed it, at least within the organization,

38

1 and that's why we involved, so --
 2 MR. BARON: I think that's what he asked
 3 you. I think he asked did LULAC oppose it.
 4 THE WITNESS: Oh, yes. Yes. Yes.
 5 MR. BARON: I think you just didn't hear
 6 him correctly.
 7 Q. (BY MR. TATUM) Let me just -- restate?
 8 MR. BARON: Because I was --
 9 THE WITNESS: If you put two noes there,
 10 then my Spanglish kicks in and --
 11 Q. (BY MR. TATUM) Understood. Let me just
 12 restate the question, just for clarity purposes.
 13 In 2011, did LULAC as an organization
 14 oppose the enactment of SB14?
 15 A. My answer -- my answer to that is yes.
 16 Q. And you testified that to your knowledge some
 17 members of LULAC provided oral testimony during the
 18 legislative session?
 19 A. Yes.
 20 Q. Voicing their opposition to that bill. Is that
 21 correct?
 22 A. That's my understanding.
 23 Q. Okay.
 24 A. I don't -- I don't know if what you said is
 25 correct. That's my understanding.

40

1 SB14?
 2 A. Whether something came out in the newspaper, is
 3 that what you mean?
 4 Q. Yes.
 5 A. I want to say -- I want to say yes. If my
 6 memory serves me correctly, I want to say yes. It's
 7 been three and a half years, so I don't know. Three
 8 years, so I'm not sure a hundred percent, but I want to
 9 say yes.
 10 Q. So would you say that LULAC publicized its
 11 opposition to SB14?
 12 A. LULAC will publicize its opposition to anything
 13 that LULAC believe that is against the well-being or
 14 benefit or affects any minority. I can tell you that
 15 for sure.
 16 Q. And it -- LULAC did that with regard to SB14.
 17 Correct?
 18 A. I -- I cannot tell you with certainty. I was
 19 not involved in 2011. But I can tell you that -- I want
 20 to say yes to that answer, but I'm not certain.
 21 Q. Did LULAC draft, propose, research, or request
 22 any amendments to SB14 while it was being considered in
 23 2011?
 24 A. I have no personal knowledge of that.
 25 Q. Does LULAC believe that it was not given the

39

41

1 Q. Do you know if any members of LULAC met
 2 personally with members of the Texas legislature during
 3 the consideration of SB14?
 4 A. Well, whether personal meetings were conducted
 5 by certain individuals, I cannot tell you that. You
 6 know, we have a legislator -- legislature chair who
 7 comes out on Capitol Hill so -- but I cannot tell you.
 8 I don't have personal knowledge.
 9 Q. Do you know if any Texas legislators are
 10 members of LULAC?
 11 A. My understanding is yes.
 12 Q. Do you know who those members are?
 13 A. I cannot tell you -- I cannot tell you because
 14 I don't know that -- who is in good standing and who is
 15 not. I can -- if I tell you who is in good -- it's over
 16 a hundred thousand members. So I don't -- I can't tell
 17 you who's in good standing or not today. I did not
 18 check before this deposition either.
 19 Q. To the best of your knowledge, were any members
 20 of LULAC a city member of the Texas legislature in 2011?
 21 A. I -- I don't have personal knowledge of that.
 22 Q. Again, during the enactment -- or, sorry.
 23 During the consideration of SB14 during the 2011
 24 legislature, did LULAC write or publish any written
 25 articles or opinion pieces regarding its position on

1 opportunity to adequately voice its opposition to SB14
 2 in front of the Texas legislature?
 3 A. I think the word -- again, that would be --
 4 it's a matter of opinion whether it would be enough.
 5 Probably not. I don't know. I cannot tell you the
 6 answer to that question.
 7 MR. BARON: Yeah. I should have objected
 8 to that as vague. Just on the basis of the word
 9 "adequate."
 10 THE WITNESS: It's a matter of opinion. I
 11 was like if you give me a day or give me a week, what is
 12 adequate? I'm not sure.
 13 (BY MR. TATUM) I'll state it another way. Did
 14 LULAC have the opportunity to voice its opposition to
 15 SB14 in front of the Texas legislature?
 16 A. I'm not sure whether they give them directly
 17 the opportunity. I'm not sure.
 18 Q. But you did testify some members of LULAC gave
 19 live testimony during the --
 20 A. I believe --
 21 Q. -- legislative session?
 22 A. I believe so.
 23 Q. Okay. Did LULAC as an organization undertake
 24 any efforts to prevent SB14 from being passed?
 25 A. What kind of reference?

42

1 Q. Anything that -- did it do anything to slow
2 down or delay consideration of the bill?

3 A. I don't know. I don't even think they have the
4 power to do that.

5 Q. Is there anything else that LULAC did with
6 regard -- let me back up.

7 Q. Are there any other activities that LULAC
8 engaged in with regard to the consideration of SB14 that
9 you haven't mentioned?

10 A. We had a -- sort of like an educational
11 briefing as to what SB14 is or was. I just cannot
12 remember the day, but I know I was there. I attended
13 that, where we got sort of educated on the specific of
14 the bill and the impact of the bill and what that means
15 to minorities and that -- so I just cannot tell you
16 whether it was before or after the bill was passed. I
17 cannot remember that day. But I remember attending
18 that.

19 Q. Okay. Do you remember who presented that
20 educational presentation?

21 A. I don't remember who was the presenter. I want
22 to say that happened in -- I think it was in Corpus
23 Christi, I think it was. Either Corpus Christi or
24 Laredo. I'm just not sure. But I know for sure that I
25 did attend it, to one of those educational briefings

44

1 that you just talked about, how are those funds
2 allocated?
3 A. That, I don't have any personal knowledge of
4 it. We have a national treasurer. And I have no
5 knowledge of that. Reports are given on the -- on the
6 meetings, the national board meetings and the
7 state-level meetings. And I -- I imagine that
8 district-level meetings and also council meetings, they
9 all have disclosures that it's mandatory, it's part of
10 the rules that financial is complete transparency on the
11 spending of the funds.

12 I can tell you that the goal of the
13 organization -- well, not the goal. But education and
14 civil rights are very strong within the organization.
15 So scholarships are -- money are used for scholarships.
16 You see a lot of scholarships out there that the
17 organization give to young kids for college and other
18 things. I'm not...

19 Q. So you mentioned a national treasurer. Is
20 there a state treasurer?

21 A. Yes. It's a state -- there's a treasurer on
22 every level. So there's a treasurer who responds to a
23 particular board at every level as to the funds.

24 Q. Okay. So let's take the local level where
25 there's a -- you know, a local council of LULAC?

43

1 when someone came in and explained everything.

2 Q. Was that educational briefing put on by LULAC?
3 A. No. It was put on by someone else who LULAC
4 invited to do the explanation and educate the Texas
5 organization as to what it meant.

6 Q. LULAC is a nonprofit organization. Correct?

7 A. That's correct.

8 Q. From where does LULAC receive its funding?

9 A. Well, you've got membership fees. We've got
10 very strong corporate alliance. Nationwide. Donations,
11 sponsorships. That's where the funding comes in.

12 Q. Do y'all hold fund-raising activities?

13 A. Yes, but fund-raising activities will be
14 probably held more -- you see that more typically at the
15 local levels by the local councils, maybe the district,
16 you see those fund-raising activities kind of deal.

17 Q. Uh-huh.

18 A. It's to cover expenses of functions and then
19 pay for scholarships, funding for scholarships, things
20 like that.

21 Q. Do y'all receive both individual and corporate
22 donations?

23 A. Yes.

24 Q. And the funds generated from membership fees,
25 donations, sponsorships, and fund-raising, the things

45

1 A. Okay.

2 Q. Let's say they hold a fundraiser, they raise
3 some funds. Do they have total control over how those
4 funds are used?

5 A. Yes.

6 Q. And at the state level, if there's ever a
7 fundraiser held by the state level of LULAC, do they get
8 to have ultimate control over how those funds are used?

9 A. Yes.

10 Q. And do you know if at the state or local
11 council level, do those entities prepare an annual
12 budget for the allocation of these funds?

13 A. There's allocations made. I don't think
14 there's an official budget, at least on the small
15 levels. How national -- on the state level, there are
16 some budgets for the state convention, for specific, I
17 guess, functions that the organization really wants to
18 participate every year, and they allocate funds to that,
19 and those get approved by the board. That's basically
20 how every level functions, I guess.

21 Q. Are there any funds that the state board sets
22 aside to be used on an as-needed basis?

23 A. Pretty sure. I'm not -- I cannot tell you
24 what -- if it's one as-needed basis. I don't know. I'm
25 not sure.

46

1 Q. I want to ask you some -- just a few questions
 2 about some more activities that LULAC engages in. Does
 3 LULAC help its members register to vote?
 4 A. LULAC actually helps everyone registered to
 5 vote.

6 Q. Not just members?

7 A. Not just members.

8 Q. And is that something that LULAC has always
 9 done?

10 A. Yes. And basically you see that more at the
 11 council levels. They organize district levels, council
 12 levels, they do voting registration drives and voting
 13 registration festivals, whatever it is. They -- the
 14 kids in college, we have LULAC councils probably in
 15 every university, at least in Texas, and they -- they
 16 really active on that. They're very, very active on
 17 voter registration, and so that -- you see that more at
 18 the -- it's promoted throughout the organization
 19 rankings, but the actual people who does it and you'll
 20 see more active is the actual local councils.

21 Q. And does LULAC consider helping people register
 22 to vote, both members and nonmembers, part of its
 23 mission?

24 A. It's a civil right issue, so I want to say
 25 it -- it -- it's directly or indirectly. I'm not sure.

48

1 And when we do these voter registration
 2 drives, whether they physically fill out the paperwork
 3 or not, I -- I don't know. I don't know. Everybody
 4 will have, I guess, their own individual method,
 5 depending on who is doing it. So I cannot tell you what
 6 is actually happening at that place because I'm not
 7 there, so...

8 Q. (BY MR. TATUM) Okay. So would LULAC consider
 9 these voter registration drives part of its mission?

10 A. If it affects civil rights, yes.

11 Q. Okay. Does LULAC educate its members regarding
 12 voting requirements?

13 A. I just gave you the example of that. Like this
 14 luncheon that I went where we got -- LULAC was not the
 15 one who was educating. We invited someone to help us
 16 with SB14, for example. Whether we have a plan to
 17 educate every -- every one of its members, I don't think
 18 there is a specific educational plan. LULAC national
 19 encourage down -- down the -- the chain of command to
 20 ensure that we get as many people registered, and to
 21 ensure that we get as many people to go and vote.

22 Q. Outside of the educational briefing that you
 23 just referenced, has LULAC conducted any other
 24 activities that educate its members regarding voting
 25 requirements?

47

49

1 It's a civil rights issue. Voting is a civil right
 2 issue, and LULAC is involved on anything that encompass
 3 any civil right issue.

4 Q. So would you say that helping people register
 5 to vote is part of LULAC's stated mission?

6 A. Encouraging people to vote and to register,
 7 yes.

8 Q. And helping people -- actually helping someone
 9 register to vote?

10 A. What do you mean, the actual physical
 11 application, is that what you mean?

12 MR. BARON: Objection; form. A little
 13 vague on the word "helping."

14 Q. (BY MR. TATUM) You stated a minute ago that
 15 one of the activities that LULAC engages in is helping
 16 people register to vote. I believe that's what you
 17 testified to. Is that correct?

18 MR. BARON: Objection; form.

19 THE WITNESS: LULAC conducts voting
 20 registration drives, voter registration forum, voter
 21 registration, I guess, activities to encourage people to
 22 register to vote. And also encourage people to use --
 23 to actually go and vote. That, LULAC does. That's one
 24 of LULAC's views as one of the primary civil rights that
 25 we have. Not just minorities, but everybody.

1 A. At the -- at the -- at what level?

2 Q. At the state or local council level.

3 A. At the -- at the local council, I cannot tell
 4 you. There -- there -- a lot. I mean, there's -- I
 5 think there's like a thousand councils or a little more
 6 than a thousand councils, I think. So it's a lot. I
 7 don't know. State-wise, when I attended to that
 8 luncheon, it was a state -- it was a state board
 9 meeting, and this guy came and educate the whole board
 10 as to what -- and I'm pretty sure, I guess, pass along
 11 the state director or the district directors -- I'm
 12 pretty sure they go and educate the council members as
 13 to what they learn and use that kind of scaling to pass
 14 the word around.

15 Q. Okay. Is educating its members regarding voter
 16 requirements part of the stated mission of LULAC?

17 A. I'm sure it's included. It's not the stated
 18 mission. We don't have a stated mission as to a
 19 compromise with anyone to register people to vote. I
 20 don't think that's the mission. I think the mission is
 21 to ensure that -- that civil rights of the minorities
 22 are protected. Whether that is through vote, through
 23 pending legislature or supporting legislature, or
 24 advocating in the public, whatever that views are, I
 25 don't think it's a specific issue on -- it's not a

	<p>50</p> <p>1 specific mission of educating people as to voting. 2 Now, I can tell you that if there is 3 something comes out that affects minorities, then LULAC 4 is going to ensure that people understand what the 5 problems are, because they need to be, I guess, informed 6 of what -- what it is.</p> <p>7 Q. Let me ask it another way. Does LULAC believe 8 that it is fulfilling its mission when it educates its 9 members on voting requirements?</p> <p>10 MR. BARON: Objection; form.</p> <p>11 THE WITNESS: I cannot answer that.</p> <p>12 Q. (BY MR. TATUM) Does LULAC at the state or 13 local council level help its members get the 14 documentation or IDs necessary to vote under SB14?</p> <p>15 A. At what level?</p> <p>16 Q. At the state or local council level.</p> <p>17 A. What the little -- what the councils do, I -- I 18 cannot tell you at all, because I don't have any 19 personal knowledge as to -- it's about 400 just in the 20 State of Texas, so I don't know what they do 21 individually. What -- what steps they take is up to 22 them, and there's no reporting up of what is taken 23 either. So there's no like -- I can sit down and read 24 what local council No. 1 out of Corpus Christi have done 25 regarding anything, so -- because it's just not</p> <p>1 required.</p> <p>2 Q. Is advancing the political influence of the 3 Hispanic population of the United States part of LULAC's 4 stated mission?</p> <p>5 A. Say that again.</p> <p>6 Q. I'm just reading from the Web site here. Is 7 advancing the political influence of the Hispanic 8 population of the United States part of LULAC's stated 9 mission?</p> <p>10 A. Where are you reading from?</p> <p>11 Q. On the first page of Exhibit 4, under 12 Paragraph 2, it states, "What is LULAC's mission," and 13 one of those things listed there is "political 14 influence." So I'm asking --</p> <p>15 A. Yes.</p> <p>16 Q. -- is the advancement of the political 17 influence of the Hispanic population of the United 18 States part of LULAC's stated mission?</p> <p>19 A. Yes. It's right there.</p> <p>20 Q. Okay. So would helping people to vote, by way 21 of educating them on voting requirements or helping them 22 get the documentation necessary to vote, would that 23 be -- would that constitute the advancing the political 24 influence of the Hispanic population of the United 25 States?</p> <p>1 MR. BARON: Objection; form.</p> <p>2 THE WITNESS: I don't know what constitute 3 political influence. There are many ways of political 4 influence. So I -- at a specific event that is 5 categorized as a political influence, I don't know. I 6 couldn't tell you.</p> <p>7 Q. (BY MR. TATUM) Does LULAC assist voters during 8 elections?</p> <p>9 A. How?</p> <p>10 Q. Do they give rides to the polling places?</p> <p>11 A. Not that I'm aware of.</p> <p>12 MR. BARON: Object; form. Anyway -- I 13 mean, I'm not trying to be argumentative here, Steve, 14 but I -- when you're asking questions like that about 15 logistics and things of that nature, it would be 16 helpful, I think, if you would distinguish between the 17 Texas organization that he's here on behalf of, or if 18 you want to know what -- I think he's already told you 19 that he doesn't know what the various individual 20 councils might do.</p> <p>21 MR. TATUM: Okay.</p> <p>22 MR. BARON: So you can either ask both 23 questions or something, you know, but I -- I mean, I 24 think the point -- and I'm not trying to mess the record 25 up. But I think his point would be that the state</p>
	<p>51</p> <p>1 organization doesn't do any of that.</p> <p>2 THE WITNESS: We state do not participate 3 on transporting anybody anywhere for any reason, no 4 matter what the situation is.</p> <p>5 Q. (BY MR. TATUM) But locally the councils may?</p> <p>6 A. Maybe -- maybe a little council helps his own 7 family members or friends or encourage voting and -- but 8 I cannot tell you what activities.</p> <p>9 Q. Okay. How are we doing on time? Do we need to 10 take a break, or is everyone doing all right?</p> <p>11 MR. BARON: I'm fine. It's up to him.</p> <p>12 THE WITNESS: I need to make a two-second 13 phone call.</p> <p>14 MR. BARON: Why don't we take a little 15 five-minute break. It's five minutes after 5:00.</p> <p>16 (Off the record)</p> <p>17 Q. (BY MR. TATUM) Mr. Ortiz, is LULAC as an 18 organization harmed by SB14?</p> <p>19 MR. BARON: Objection; form.</p> <p>20 THE WITNESS: I cannot tell you. I don't 21 think I -- I have -- I don't think I can answer that, 22 because LULAC doesn't vote, so I don't know -- don't try 23 to be sarcastic, but I just do not know what you mean by 24 "harm." That's what I'm saying.</p> <p>25 Q. (BY MR. TATUM) Does LULAC contend that the</p>

<p>1 implementation of SB14 has forced LULAC to divert any of 2 its resources towards certain activities -- resources 3 that could have been spent elsewhere? 4 A. Divert LULAC to this lawsuit, so... 5 Q. Other than this lawsuit, has LULAC been forced 6 to divert any of its resources specifically to 7 SB14-related activities? 8 A. At what level? 9 Q. At the state level. 10 A. I cannot answer that. I don't know what the 11 arrangement is. 12 Q. Do you know -- do you know if any LULAC local 13 councils have had to divert any of its resources towards 14 SB14-related activities? 15 A. I don't have personal knowledge of that. 16 Q. Does LULAC contend that SB14 was enacted with a 17 discriminatory purpose? 18 A. Can you -- can you repeat it? 19 Q. Sure. Does LULAC contend that SB14 was enacted 20 with a discriminatory purpose? 21 MR. BARON: Object to form. Legal 22 conclusion. 23 THE WITNESS: LULAC is contending what is 24 on the pleadings. I don't think I have the -- what the 25 contentions are. LULAC is contending exactly what is on</p>	<p>54</p> <p>1 MR. BARON: I'm going to object. I'm 2 going to object on the basis that he's here as a 3 30(b)(6) witness, not as an expert witness on the effects 4 of SB14. 5 Subject to that objection, if you have a 6 response, you can make it. 7 THE WITNESS: I don't -- I don't think I 8 have any -- I don't know. I don't think I can give you 9 any answer as to -- do you want me to tell you what -- 10 whether Texas has a notorious history of 11 disenfranchising voters? Is that what you want me to 12 tell you? 13 (BY MR. TATUM) Do you believe that to be true? 14 A. I believe it's true. 15 Q. And can you tell me what that belief is based 16 on? 17 A. Well, we have a long history of case law. 18 MR. BARON: And, again, I'm going to 19 object just to the extent that this seems to be outside 20 the scope of what a 30(b)(6) deposition is for. 21 MR. TATUM: Well, it's -- and I would 22 respond that this is a allegation made in the complaint, 23 and the notice of this deposition specifically has a 24 topic that relates to the allegations made in the 25 complaint.</p>
<p>1 the pleadings. Right now, I cannot deviate from that 2 because it's what is on the pleadings. I mean, unless 3 you want to ask me a different way, but -- 4 (BY MR. TATUM) Well, sure. I'll ask you -- 5 A. The only thing I can contend is what is on the 6 pleadings. 7 Q. Okay. Well, let's look at the pleadings. I 8 believe the complaint is Exhibit -- 9 A. Three. 10 Q. -- 3. Do you have it in front of you? 11 A. Yes, sir. 12 Q. On the first page of that complaint, I'm 13 looking at the first paragraph which states that "The 14 State of Texas has a long notorious history of 15 disenfranchising voters by various methods and 16 discriminating against classes of voters, especially on 17 account of race and ethnicity. Senate Bill 14 of 2011 18 is another effort to achieve those unlawful ends." Do 19 you see those sentences? 20 A. Yes, sir. 21 Q. Did I read them accurately? 22 A. That's what it says in the pleadings. 23 Q. Can you tell me how Senate Bill 14 24 disenfranchises voters? 25 A. Specifically --</p>	<p>55</p> <p>1 MR. BARON: Absolutely. I understand. 2 And, of course, I've objected to that particular 3 category. But, again, subject to the objection that -- 4 the objection is I think it's, you know, outside the 5 scope of 30(b)(6). I also -- 6 THE WITNESS: I think that's -- 7 MR. BARON: Just for the record, the 8 witness is being presented here as a 30(b)(6) deponent 9 on behalf of LULAC and not as an expert witness. And 10 subject to that objection, feel free to answer. 11 THE WITNESS: I think -- I think that's 12 your question No. 1. That's your point No. 1 on the 13 depo that I told you that I really -- I don't have 14 any -- at the beginning specifically said that we don't 15 have any opinion or personal knowledge in my hands to 16 provide you -- I don't have any information in my hands 17 to provide you answers to that request that you have for 18 No. 1. 19 (BY MR. TATUM) Okay. So just for the record, 20 with regard to matter No. 1, you are unable to give 21 testimony regarding the factual basis of LULAC's claims 22 or defenses in this lawsuit? 23 A. Other than what is on the pleadings, you know, 24 that's what -- at least what is on the pleadings, that's 25 our factual basis and claims in this case. I don't</p>

1 think we have any defenses. In my -- I mean, I cannot
2 tell you that. You've got to...
3 Q. But you've been designated by LULAC to testify
4 on its behalf today. Correct?
5 A. Under the 30(b)(6). Yes.
6 Q. Okay. Does LULAC contend that SB14 was enacted
7 with discriminatory intent?
8 A. If I go by the pleadings, the answer to your
9 question is yes.
10 Q. And do you know on what basis LULAC makes that
11 claim?
12 A. Again, I think that will be experts. I mean, I
13 don't -- I don't have any --
14 MR. BARON: Same objection. Object to the
15 last question as being outside the scope of 30(b)(6).
16 THE WITNESS: Do you want -- I'll be
17 honest with you. I --
18 MR. BARON: Calls for a legal conclusion.
19 Q. (BY MR. TATUM) Would you -- in answer to that
20 question, would you just -- are you saying that you
21 would defer to what's written in the pleadings?
22 A. I would defer from the pleadings and the file,
23 the records, exhibits, experts.
24 Q. Okay. So sitting here today, you're unable to
25 tell me what LULAC believes is discriminatory about

1 additional ID imposed by SB14, aside from the voter
2 registration card is -- affects Hispanics and is
3 targeted and is designed to affect the Hispanic
4 population in the state of Texas.
5 Q. Are you familiar with the requirements of SB14?
6 A. Of the IDs that they need?
7 Q. Yes.
8 A. I'm -- I'm generally familiar what they need.
9 Q. Can you tell me what IDs are required under
10 SB14?
11 MR. BARON: I'm going to register the same
12 objection. I mean, seriously, these kind of fact-based
13 questions seem to be now way outside the scope of a
14 30(b)(6) deposition. And, certainly, I don't understand
15 the relevance of this witness's personal knowledge about
16 the requirements of SB14. And, of course -- of course
17 there's -- I think there's something like 17 expert
18 reports that have been provided and countless documents
19 and other testimony that all would seem to be a better
20 source of information for the answers to these questions
21 than Mr. -- than our 30(b)(6) designee here.
22 Subject to that objection, tell him what
23 you know about Senate Bill 14.
24 THE WITNESS: The ID requirements?
25 Q. (BY MR. TATUM) Yes.

1 SB14. Is that correct?
2 MR. BARON: Same objection. Of course, I
3 think this question is now repetitious, but it does seem
4 to be outside the scope of a 30(b)(6) deposition. And
5 calls for legal conclusions.
6 And subject to that objection, you can go
7 ahead and answer and --
8 THE WITNESS: If I read the pleadings,
9 LULAC believes that the requirement of -- the additional
10 requirement of an ID, aside from the voter registration
11 card, is a discriminatory against Hispanics. That's
12 what LULAC believes.
13 Q. (BY MR. TATUM) And did you read that from the
14 pleading?
15 A. No. I'm not reading from any specific portion.
16 I'm telling you my short answer from the pleadings, or
17 from what I know.
18 Q. And that belief that you just described, can
19 you tell me why LULAC believes that?
20 A. What did LULAC believe as an organization that
21 is discriminatory?
22 Q. Yes.
23 A. I don't -- I don't know. I'm -- I'm baffled by
24 the word "belief," because they believe that it's
25 discriminatory, the requirement of asking for an

1 A. There needs to be either a DPS issue, military
2 ID. Current, nonexpired.
3 THE REPORTER: Current --
4 THE WITNESS: Non --
5 THE REPORTER: NonHispanic.
6 MR. BARON: Oh, no. No. No.
7 THE WITNESS: Nonexpired.
8 THE REPORTER: Nonexpired.
9 THE WITNESS: Military or any ID, it needs
10 to be current. I mean, it's right here on Page 9, so --
11 US government employee, which is military ID, Texas
12 concealed weapons permit, US passport, and a election
13 identification certificate.
14 Q. (BY MR. TATUM) What's commonly known as an
15 EIC?
16 A. Yeah.
17 Q. Mr. Ortiz, are you -- do you agree that the
18 requirements of SB14 apply equally to all Texas citizens
19 regardless of race?
20 A. I don't know --
21 MR. BARON: Same objection -- hold on a
22 second.
23 Do you have the objection? Same -- I
24 mean, if I say -- I mean, do I need to state it every
25 single time now?

62

1 THE REPORTER: If you same "same
2 objection," I'm going to type "same objection." So
3 unless you -- I mean, then you could go up and refer,
4 but I just take down what you say.

5 MR. BARON: In the interest of moving this
6 along, you'll agree that it's the same objection that I
7 made to the previous question?

8 MR. TATUM: Yes.

9 MR. BARON: Okay. And then if it changes,
10 I'll restate it differently. Same objection as to the
11 previous question.

12 Thank you. I appreciate that, Stephen.

13 MR. TATUM: Sure.

14 THE WITNESS: What was the question again?

15 Q. (BY MR. TATUM) Would you agree that the
16 requirements of SB14 apply equally to all citizens
17 regardless of race?

18 A. The application of the law is made by
19 individuals, so I cannot -- I cannot answer that
20 question. How it's applied, that would be the people
21 who is applying it, so...

22 Q. Is there anything in the text of SB14 that
23 makes it applicable only to one race of people?

24 A. I don't know the whole language of the statute.
25 I have read it briefly, but I don't -- I have not read

64

1 Q. Okay. And do you know how many of those
2 hundred thousand members are Texas residents?
3 A. I cannot tell you an exact number. I can tell
4 you that we are the biggest -- but if you divide the
5 organization by state, then Texas is the biggest
6 membership.

7 Q. Can you put a percentage on that?

8 A. I don't know. I cannot tell you. Maybe
9 30 percent, 40 percent.

10 Q. But Texas has -- amongst all the states, Texas
11 has the largest percentage of LULAC members?

12 A. Yes.

13 Q. Okay. Does LULAC contend that any of its
14 members who reside in Texas lack any of the acceptable
15 forms under -- of ID under SB14?

16 A. I have no personal knowledge of whether those
17 members do or don't.

18 Q. Are you able to identify one member of LULAC
19 that does not have any of the acceptable forms of ID
20 under SB14?

21 A. I have -- I have no personal knowledge of
22 whether they -- if they have, I have no personal
23 knowledge.

24 Q. Okay. Do you know how many members of LULAC do
25 not have any of the documents necessary to get an EIC?

63

1 the whole statute, so I cannot answer that question.

2 Q. Does LULAC contend that the Texas legislature
3 intended to harm any minority group by enacting SB14?

4 A. Texas legislature as a whole?

5 Q. Yes.

6 A. Or the people who voted in favor?

7 Q. Let's start with the people who voted in favor
8 of SB14.

9 A. So repeat your question again.

10 Q. Does LULAC contend that the Texas legislators
11 who voted for SB14 intended to harm any minority group?
12 A. I don't know what they intend or how each
13 individual person was acting. You know, the intent of
14 the legislature, I don't know what they intended
15 individually, so I don't know.

16 Q. Does LULAC contend that any of its members lack
17 any of the acceptable forms of ID under SB14?

18 A. Are you talking about any of the hundred
19 thousand people?

20 Q. Yes. And let me just ask first, when you say
21 100,000 members, are there 100,000 members of the
22 national LULAC, or are there 100,000 members of the
23 Texas LULAC?

24 A. No. The national is composed of about a
25 hundred thousand.

65

1 A. I don't have any personal knowledge about it.

2 Q. Are you able to identify any members of LULAC
3 who do not have any of the documents necessary to get an
4 EIC?

5 A. When you said "able," can you explain that?

6 Now? Later? Yesterday?

7 Q. Currently. Are you currently able to identify
8 any member of LULAC who does not have the ability or
9 does not have any of the documents necessary in order to
10 obtain an EIC?

11 A. I cannot answer that question.

12 Q. Do you know if any -- any members of LULAC have
13 attempted to get an EIC?

14 A. I have no personal knowledge whether they have
15 or not.

16 MR. BARON: Let's go off the record.

17 THE REPORTER: Is that okay to go off?

18 MR. TATUM: Yeah. Yeah. That's fine.
19 (Off the record)

20 Q. (BY MR. TATUM) Mr. Ortiz, can you identify any
21 member of LULAC who has attempted to get an NI -- who
22 has attempted to get an EIC?

23 A. Can you give me time frames on that?

24 Q. Ever.

25 A. Then, I don't know.

1 Q. Is LULAC able to specify a specific instance in
2 which a LULAC member attempted to obtain an acceptable
3 form of ID under SB14 but was unable to?
4 A. I can't answer that.

5 MR. BARON: Object; form.

6 Q. (BY MR. TATUM) Does LULAC contend that SB14
7 makes it impossible for anyone to vote?

8 MR. BARON: Objection; form --

9 THE WITNESS: Contend --

10 MR. BARON: -- to the use of the word
11 "impossible."

12 THE WITNESS: LULAC contends that
13 legislation intended to affect voting rights of the
14 Hispanic community and the minorities by enacting State
15 Bill 14.

16 MR. BARON: Senate Bill 14.

17 THE WITNESS: Yeah. I mean -- sorry.

18 Senate Bill.

19 (Laughter)

20 Q. (BY MR. TATUM) Can you tell me what that
21 contention is based on?

22 A. Based on the requirement that the Senate
23 Bill 14 asks for an additional identification other than
24 the voter registration card to be able to vote.

25 Q. And does LULAC agree that that requirement

1 result of the implementation of SB14?

2 MR. BARON: Object; form.

3 THE WITNESS: I don't have any personal
4 knowledge of that.

5 Q. (BY MR. TATUM) Can you identify any LULAC
6 member who as of December 6th, 2013, had been injured --
7 had been harmed in any way as a result of the
8 implementation of SB14?

9 MR. BARON: Object; form, vague.

10 THE WITNESS: I don't have -- I can't -- I
11 don't have any personal knowledge.

12 Q. (BY MR. TATUM) Can you identify any LULAC
13 member who as of today's date has or may be harmed in
14 any way by the implementation of SB14?

15 A. What do you mean?

16 MR. BARON: Object to form; vague.

17 THE WITNESS: Can you -- can you --

18 Q. (BY MR. TATUM) I'll break that into two
19 questions, how about that.

20 Can you identify any LULAC member who as
21 of today's date has been harmed in any way by the
22 implementation of SB14?

23 MR. BARON: Objection; form.

24 THE WITNESS: I have no personal
25 information.

1 applies to all Texas registered voters?

2 A. I don't know what the application of the law
3 is. So I cannot answer that.

4 Q. Can you identify any LULAC members who have not
5 been able to vote in an election because of SB14?

6 A. I can't -- I don't have personal knowledge of
7 that.

8 Q. Do you know if any LULAC members have chosen
9 not to vote in an election because of SB14?

10 A. I don't -- I don't have personal knowledge of
11 that.

12 Q. Can you identify a member of LULAC who as of
13 June 26th, 2013, had been injured as a result of the
14 implementation of SB14?

15 MR. BARON: Objection; form.

16 THE WITNESS: What do you mean by injury?

17 MR. BARON: Form, "injured."

18 Q. (BY MR. TATUM) Let me restate it. Can you
19 identify a LULAC member who as of June 26th, 2013, had
20 been harmed in any way as a result of the implementation
21 of SB14?

22 A. I don't have personal knowledge of that, so I
23 can't answer that question.

24 Q. Can you identify a member of LULAC who as of
25 August 22nd, 2013, had been harmed in any way as a

1 MR. BARON: Vague.

2 THE WITNESS: I have no personal knowledge
3 of that.

4 Q. (BY MR. TATUM) Can LULAC currently identify a
5 single member of its organization who has been or may be
6 injured as a result of the implementation of SB14?

7 MR. BARON: Object; form, vague.

8 THE WITNESS: LULAC doesn't keep or
9 maintain records specifically specifying none of these

10 questions you asked me. We don't maintain records of
11 that. There is not a requirement to maintain records of

12 that, or there's no way for me to know that because the
13 membership is so big, that if someone is affected, then
14 I don't -- I don't have any personal knowledge of that.

15 Q. (BY MR. TATUM) So would you say that LULAC
16 does not have sufficient membership information to allow
17 it to identify a member that does not possess an SB14
18 identification?

19 A. What is SB14 identification?

20 Q. Any form of ID that's required to vote under
21 SB14.

22 A. Can you repeat it again?

23 Q. Sure. Would you say that LULAC does not have
24 sufficient membership information to allow it to
25 identify a member of LULAC who does not have an

70

1 acceptable form of ID under SB14?
 2 A. I don't understand your question.
 3 Q. We talked about the forms of ID that are
 4 required under SB14 previously --
 5 A. Right.
 6 Q. -- and I believe you identified the types of ID
 7 that are required to vote under SB14.
 8 A. Right.
 9 Q. Do you recall that testimony?
 10 A. That is they are required by SB14 in order to
 11 be able to vote?
 12 Q. Yes.
 13 A. Yes.
 14 Q. Are you familiar with those IDs that SB14
 15 requires in order to votes?
 16 A. I'm not -- I'm not familiar. I've never seen
 17 what -- I've never seen the election identification
 18 certificate. I've never seen one of those. So I don't
 19 know what it requires for me to obtain one of those or
 20 how it looked like. I mean, I know what a driver's
 21 license is, and I know a military because I have one, or
 22 I had one, and I know what a passport is because I have
 23 one. But I don't know election identification
 24 certificate is. Never seen it. Do not know.
 25 MR. TATUM: Do you know where we are?

71

1 THE REPORTER: I think 5 is the next one.
 2 MR. TATUM: Five is the next one?
 3 THE REPORTER: Yeah. You don't have a
 4 No. 5 there, do you?
 5 THE WITNESS: No. No.
 6 MR. TATUM: I think you're right. I think
 7 it's 5.
 8 THE REPORTER: Okay.
 9 MR. TATUM: I've got a 4 is the last one
 10 I've got.
 11 (Exhibit No. 5 marked)
 12 Q. (BY MR. TATUM) Okay. Mr. Ortiz, I am handing
 13 you what's been marked as Exhibit 5. Mr. Ortiz, I
 14 represent to you that this is a print off or a screen
 15 capture printout from the Web site of the Texas
 16 Department of Public Safety. I printed this off on
 17 July 30th of this year.
 18 Can you tell me what it says there at the
 19 top of this page in bold letters?
 20 A. I'm assuming you're referring to the title, not
 21 to the "Texas Department of Public Safety." Right?
 22 Q. Yes. Below that.
 23 A. "Election Identification Certificate."
 24 Q. Okay.
 25 A. EIC.

1 Q. Can you read the language below that, beginning
 2 with "Texas voters must show..."
 3 A. "Texas voters must show photo ID to vote in
 4 elections in Texas unless you are exempt. See
 5 exemptions below."
 6 Q. Will you read the next paragraph, please?
 7 A. (As read), "If you do not have any of the
 8 following acceptable forms of ID, beginning June 26,
 9 2013, you may apply for an election identification
 10 certificate at no charge. However, if you already have
 11 any of the following forms of ID, you are not eligible
 12 for EIC." Do you want me to read the whole thing?
 13 Q. Not yet. I'm going to stop you there.
 14 Mr. Ortiz, I represent to you that the forms of ID that
 15 are listed below here are all acceptable forms of ID
 16 under SB14, and I represent to you that pursuant to what
 17 you just read, if you have any of these forms of ID, you
 18 are not eligible to receive an EIC. But if you don't
 19 have any of these forms of ID, you are.
 20 Do you have any reason to believe that
 21 what I've told you or what's contained on this page is
 22 inaccurate?
 23 A. I mean, it says it there, so I don't know what
 24 accuracy of the document is, but --
 25 Q. Okay.

72

73

1 A. -- I have no reason to dispute it either.
 2 Q. Okay. Will you read for me, please, the forms
 3 of ID that are listed in those bulleted points there on
 4 Page 1?
 5 MR. BARON: I'm going to object to this
 6 line of questioning. I mean, the document, first of
 7 all, speaks for itself. I don't know why we need to
 8 waste time having him read them. And, second of all,
 9 how is this relevant at all to his being here as a
 10 representative of LULAC pursuant to a 30(b)(6)? If you
 11 have some questions that are related to that --
 12 MR. TATUM: Well, these are relevant
 13 because these are the forms of ID that are required
 14 under SB14, the law that's the subject of this lawsuit.
 15 LULAC is part of a group that's suing the State because
 16 of this law. He's here to represent the beliefs and
 17 contentions of LULAC. I'm trying to establish whether
 18 or not he understands what SB14 requires. And these are
 19 setup questions that are leading to my next question
 20 regarding its membership.
 21 MR. BARON: Well, let's ask the membership
 22 question, then.
 23 MR. TATUM: Well, I tried, and he said he
 24 didn't understand what I meant by forms of ID under
 25 SB14. So I'm trying to clear that up.

1 MR. BARON: Okay. We've shown him. He's
2 got them in front of him.

3 MR. TATUM: For the record, I would
4 just --

5 THE WITNESS: I said that I don't know
6 what a EIC is.

7 Q. (BY MR. TATUM) Correct. And you've also --

8 A. I've not seen one.

9 Q. Okay. And you've also stated that you weren't
10 sure what I meant by forms of ID under SB14, and I
11 represent to you that the forms of ID listed here on
12 this page are the forms of ID that are required to vote
13 under SB14, in addition to an EIC.

14 A. Okay.

15 Q. So based on what's on this page, would you
16 agree that the acceptable forms of ID under SB14 are a
17 Texas driver's license, a Texas personal ID card, a
18 Texas concealed handgun license, a US passport book or
19 card, a US military identification with photo, a US
20 citizenship certificate or certificate of naturalization
21 with photo and an EIC.

22 A. Okay.

23 Q. Okay. So having established what the required
24 forms of ID are under SB14, is it your testimony that
25 LULAC does not have sufficient membership information to

1 they can or cannot.

2 Q. And can you not tell me whether they can or
3 cannot -- is the reason you can't tell me because LULAC
4 does not have sufficient membership information to allow
5 it to identify a member that does not possess an SB14
6 ID?

7 A. Well, when -- when LULAC members filed the
8 application for membership, there is not a specific
9 question whether they have any form of ID. So what is
10 going to allow them to identify it in the future would
11 rely on the lawyers and experts and the team that are
12 representing LULAC in this to do that. If that answers
13 your question. I'm not sure.

14 Q. Does LULAC maintain a list of its membership?

15 A. I believe so. Yes.

16 Q. And from that list is LULAC able to determine
17 if any of its members have an acceptable form of ID as
18 required by SB14?

19 A. There is not a specific field on the
20 application for that particular -- so the answer to that
21 would be no, if I look at the membership list.

22 Q. Okay. So then would you agree that LULAC does
23 not maintain sufficient membership information to allow
24 it to determine whether or not a LULAC member has a
25 acceptable form of ID under SB14?

1 allow it to identify a member that does not possess an
2 SB14 identification?

3 A. No.

4 Q. That is not your testimony?

5 A. No.

6 Q. So is LULAC able to identify a LULAC member
7 that does not possess an acceptable form of ID under
8 SB14?

9 A. What you asked me before was not what you asked
10 me now. You asked me whether LULAC can at some point
11 identify -- that it cannot at some point identify -- we
12 can go back on the record and read it, but the way you
13 asked me before, the answer to that is no.

14 Q. Okay. I'm going to start over because now I'm
15 confused.

16 A. You can read it from the record.

17 Q. We can if we want, but let's just start over.

18 A. Okay. Go.

19 Q. Can LULAC identify a member of LULAC who does
20 not possess an acceptable form of ID under SB14?

21 A. What period? Past, present, or future?

22 Q. As we sit here.

23 A. Okay.

24 Q. Currently.

25 A. Okay. I don't know. I cannot tell you whether

1 A. I don't have any personal knowledge of that.
2 The only thing I can tell you is what is required for
3 membership. We don't ask for ID.

4 Q. On June 26, 2013, could LULAC identify a member
5 of its organization that did not possess an acceptable
6 form of ID under SB14?

7 A. I don't have any personal knowledge of that.

8 Q. On August 22nd, 2013, could LULAC identify a
9 single member of its organization that did not possess
10 an acceptable form of ID under SB14?

11 A. I don't have any personal knowledge.

12 Q. On December 6, 2013, could LULAC identify a
13 single member of its organization that did not possess
14 an acceptable form of ID under SB14?

15 A. I have no personal knowledge of that.

16 Q. As of today's date, August 14, 2014, can LULAC
17 identify a single member of its organization who did not
18 possess an acceptable form of ID under SB14?

19 A. I have no personal knowledge of that.

20 Q. As of today's date, August 14th, 2014, can
21 LULAC identify any member of its organization who has
22 suffered harm at any point in any way because of SB14?

23 MR. BARON: Object; form, vague,

24 overbroad.

25 THE WITNESS: What -- I don't define what

78

1 "harm" is, so I -- I can't answer that question. I
2 don't have personal knowledge as to any harm.
3 Q. (BY MR. TATUM) Does LULAC support the idea
4 that only registered voters should be allowed to vote?
5 A. We have never discussed that particular
6 question, so I -- I don't know.

7 Q. LULAC does not have a position on that issue?

8 MR. BARON: Objection; form.

9 THE WITNESS: I don't know.

10 MR. BARON: That misstates his testimony.

11 THE WITNESS: I mean, I have never been in
12 the presence of the discussion of that particular
13 subject, so I don't have any knowledge of that.

14 Q. (BY MR. TATUM) Does LULAC believe that Texas
15 should make sure that people attempting to vote are
16 registered voters?

17 A. Repeat that again.

18 Q. Does LULAC believe that Texas should make sure
19 that people attempting to vote are registered voters?

20 A. I don't know what Texas should make sure --
21 what Texas -- I don't know what Texas should do or not
22 do. If you are eligible to vote, you should vote. So
23 that's the opinion of LULAC.

24 Q. Does LULAC believe that a person should not
25 vote or attempt to vote in the name of someone else?

78

1 A. Fraud -- any -- any fraud should be illegal,
2 not just voter fraud. Any fraud.
3 Q. Do you believe that requiring someone to prove
4 who they are when they're attempting to vote deters
5 voter fraud?

6 MR. BARON: Objection to form.

7 THE WITNESS: I don't have the expertise
8 to tell you what -- what deterrence could be in place or
9 not. I really cannot answer that.

10 Q. (BY MR. TATUM) Do you know if any member of
11 LULAC has ever communicated any allegation or concern to
12 LULAC relating to voter fraud?

13 A. I don't have any personal knowledge of -- of
14 that. I mean, it's the levels. You know, it's -- it
15 happened in the lower level. I have no personal
16 knowledge of that.

17 Q. Do you know if LULAC has ever conducted any
18 kind of calculation or report or analysis relating to
19 voter fraud?

20 A. I think you will have to ask that to the
21 lawyers who have accumulated all the experts, graphics,
22 I guess.

23 Q. Okay. I'm just asking --

24 A. Statistics, things like that that they have. I
25 don't --

79

1 A. Does LULAC believe -- say that again.
2 Q. Sure. Does LULAC believe that a person -- a
3 person should not vote or attempt to vote in the name of
4 someone else?

5 A. LULAC believes one person, one vote. And if
6 you are eligible to vote, you should be able to vote.

7 Q. And does LULAC believe that Texas should make
8 sure that a person who is attempting to vote is who they
9 say they are?

10 A. I don't know. I cannot answer that question.

11 Q. Does LULAC acknowledge that voter fraud exists?

12 A. We have never discussed -- I have never
13 discussed it with anyone, so I cannot tell you the
14 answer to that particular question.

15 Whether -- whether it exists or not, I --
16 I personally do not know, so...

17 Q. Do you believe that voter fraud exists?

18 A. Me personally?

19 Q. Sure.

20 A. I believe that it happened before, based on
21 what I read, case law and things like that.

22 Q. Do you believe that voter fraud should be
23 illegal?

24 A. I think it's illegal.

25 Q. Do you believe it should be?

81

1 Q. To your knowledge, has LULAC ever conducted any
2 kind of study, analysis, or report in relation to voter
3 fraud?

4 A. You're talking about paid and sponsored by
5 LULAC?

6 Q. Have they conducted one themselves?

7 A. I don't know. I really don't know.

8 Q. Have they ever paid someone else to conduct
9 such a study for them?

10 A. I don't think that -- you're going to have
11 to -- whomever is paying the experts on this case. I
12 don't know.

13 Q. I'm asking you. I'm not --

14 MR. BARON: Independent of this lawsuit, I
15 guess, is what he's asking. Other than what may have
16 been done by your attorneys.

17 THE WITNESS: No, not that I know.

18 Q. (BY MR. TATUM) Okay. Do you know if any
19 member of LULAC has ever expressed support for voter ID
20 laws?

21 A. Which particular law?

22 Q. Any law relating to voter identification
23 requirements.

24 A. In general terms like that --

25 MR. BARON: Objection; form.

<p>1 THE WITNESS: -- I -- I -- I don't -- I do 2 not know in general terms. I mean -- 3 Q. (BY MR. TATUM) Okay. 4 A. -- it's been, what, 200 years of laws, votes -- 5 I don't know. 6 Q. Do you know if any member of LULAC has ever 7 expressed support for SB14? 8 A. I don't know that. 9 Q. Do you know if LULAC as an organization has 10 ever supported a voter identification bill? 11 A. I -- I -- I don't. I do not know that. 12 Q. Are you aware that the United States of America 13 is a party to this lawsuit? 14 A. If I knew? 15 Q. Yes, sir. Are you aware of that? 16 A. Yes. 17 Q. Are there any interests of LULAC that LULAC 18 feels are not adequately represented by the United 19 States of America in this lawsuit? 20 A. Repeat that. 21 Q. Sure. I'll state it another way. Does LULAC 22 believe that the United States of America does not 23 adequately represent the interests of LULAC in this 24 lawsuit? 25 MR. BARON: Objection; form, vague.</p>	<p>82</p> <p>1 questions that we've kind of already touched on, and 2 then I'll be done. 3 MR. BARON: Okay. We're here as long as 4 it takes for you to get done what you need to get done, 5 even though we would prefer it being sooner rather than 6 later. 7 MR. TATUM: Believe me, I share that 8 preference. 9 Q. (BY MR. TATUM) Mr. Ortiz, does LULAC as an 10 organization claim that it is being harmed by SB14? 11 A. The problem I have with that question that you 12 asked before is that LULAC is an organization, so LULAC 13 doesn't vote, so how can LULAC be harmed. 14 Q. So is it your testimony that LULAC as an 15 organization is not harmed by SB14? 16 MR. BARON: Object to form. 17 THE WITNESS: That's not what I'm saying 18 is -- 19 MR. BARON: It calls for -- 20 THE WITNESS: I don't know how to answer 21 that question. 22 Q. (BY MR. TATUM) Does LULAC believe that it is 23 negatively impacted by the -- by the implementation of 24 SB14? 25 A. LULAC believes that Senate Bill 14 affects the</p>
<p>1 THE WITNESS: I don't think -- I don't 2 think the United States of America is representing 3 LULAC. I think they're a plaintiff, also. 4 Q. (BY MR. TATUM) And do you -- 5 A. If I read the -- if I read the pleadings 6 correctly, I think they're also plaintiffs in this 7 case. 8 Q. Sure. I'm not asking whether or not the United 9 States represents LULAC. My question is, does LULAC 10 believe that its interests are not adequately 11 represented by the United States in its involvement in 12 this lawsuit? 13 MR. BARON: Objection; form. It also 14 seems to call for a legal conclusion. 15 THE WITNESS: The way I understand it, I 16 don't think the United States is representing any 17 interest that LULAC has. 18 Q. (BY MR. TATUM) Okay. 19 A. I mean, I'm talking about us lawyer, that 20 they're not -- 21 Q. Okay. 22 A. They're plaintiffs. 23 MR. BARON: He's just looking for his next 24 question. Don't worry about it. 25 Q. (BY MR. TATUM) I've just got one more line of</p>	<p>83</p> <p>1 right to vote to the Hispanic community and to the 2 minorities, and that's what LULAC believes. That's why 3 LULAC is part of this lawsuit. 4 Q. Does LULAC contend that the implementation of 5 SB14 has a negative impact on its resources, both 6 financial and other? 7 A. Say that again. 8 Q. Sure. Does LULAC contend that the 9 implementation of SB14 has a negative impact -- and let 10 me -- let me back up. 11 Does LULAC contend that the implementation 12 of SB14 has a negative effect on the resources of LULAC? 13 MR. BARON: I'm going to object. I think 14 this is repetitious, but go ahead and answer it. 15 THE WITNESS: Well, LULAC is involved in 16 this lawsuit, so, of course, it affects the resources 17 that LULAC have. 18 Q. (BY MR. TATUM) Outside of this lawsuit, has 19 SB14 had a negative impact on the resources of LULAC, 20 aside from anything dedicated towards the litigation of 21 this lawsuit? 22 MR. BARON: I'm going to object to the 23 form of that question because I'm not sure how you can 24 separate that out, but subject to that objection... 25 THE WITNESS: My question is just the</p>

1 same -- I mean, my answer is the same. LULAC, its
 2 resources and -- is impacted by the suit because they
 3 are a plaintiff in this lawsuit. And the only way --
 4 SBC was implemented, and LULAC got involved. So LULAC
 5 is affected by expending their resources to defend the
 6 minority -- the rights of the minorities just because of
 7 the impact that SB14 has on minorities for the right to
 8 vote, including Hispanics.

9 Q. (BY MR. TATUM) Does LULAC contend that the
 10 resources that it is having to devote towards this
 11 lawsuit are affecting its ability to fulfill its
 12 mission?

13 A. The mission of LULAC is exactly what is
 14 happening here. Protect the rights of minorities. If
 15 those rights -- civil rights are affected the way LULAC
 16 believes Senate Bill 14 affects the minorities right
 17 now.

18 Q. So is LULAC pursuing this lawsuit in
 19 furtherance of its mission?

20 A. Yes.

21 Q. Mr. Ortiz, I don't have any other questions for
 22 you today. Before we go off record, is there anything
 23 regarding any of your answers today that you would like
 24 to clarify or amend?

25 A. No.

1 to review.
 2 THE REPORTER: Got it. Okay. Thank you.
 3 (Deposition concluded at 6:08 p.m.)

1 MR. TATUM: I pass the witness.

2 MR. BARON: We will reserve our questions
 3 of Mr. Ortiz until trial. I'm sure he's looking
 4 forward.

5 MR. TATUM: Mr. Ortiz, thank you very
 6 much. We can go off the record.

7 THE REPORTER: For the record, counsel
 8 have stipulated custody of the original transcript of
 9 the deposition and exhibits marked will be maintained by
 10 Mr. Tatum.

11 Do counsel have anything further to add to
 12 the record?

13 MR. TATUM: Well, real quick, Eric, did
 14 you have anything for Mr. Ortiz?

15 MR. RICH: No questions. Thank you.

16 MR. TATUM: Okay. Do you want that to be
 17 on the record or --

18 MR. RICH: That's all right.

19 MR. BARON: I want the -- I want the
 20 original sent to me. I don't want to waive signature.

21 THE REPORTER: You do want to waive or do
 22 not?

23 MR. BARON: I do not.

24 THE REPORTER: Okay.

25 MR. BARON: Send me the original for him

1 CHANGES AND SIGNATURE

2 PAGE/LINE CHANGE REASON

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1 I, MIGUEL ORTIZ, have read the foregoing deposition
 2 and hereby affix my signature that same is true and
 3 correct, except as noted above.

4
 5 _____
 6 MIGUEL ORTIZ
 7

8 THE STATE OF _____)
 9 COUNTY OF _____)

10
 11 Before me, _____, on this
 12 day personally appeared MIGUEL ORTIZ, known to me or
 13 proved to me on the oath of _____ or through
 14 _____ (description of identity card
 15 or other document) to be the person whose name is
 16 subscribed to the foregoing instrument and acknowledged
 17 to me that he/she executed the same for the purpose and
 18 consideration therein expressed.

19 Given under my hand and seal of office on this
 20 _____ day of _____, _____.

21
 22 _____
 23 NOTARY PUBLIC IN AND FOR
 24 THE STATE OF _____
 25 My Commission Expires: _____

92

1 If returned, the attached Changes and
 2 Signature Page contains any changes and the reasons
 3 therefor;
 4 _____ was not requested by the deponent or a
 5 party before the completion of the deposition.
 6 I further certify that I am neither attorney
 7 nor counsel for, related to, nor employed by any of the
 8 parties to the action in which this testimony was taken.
 9 Further, I am not a relative or employee of any attorney
 10 of record in this cause, nor am I financially or
 11 otherwise interested in the outcome of the action.

12 Subscribed and sworn to on this the _____ day
 13 of _____, _____.

14
 15

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22
 23
 24
 25

91

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE SOUTHERN DISTRICT OF TEXAS
 3 CORPUS CHRISTI DIVISION
 4 MARC VEASEY, et al.,)
 5 Plaintiffs,)
 6 VS.) CIVIL ACTION
 7 RICK PERRY, et al.,) NO. 2:13-CV-00193
 8 Defendants.)

9 REPORTER'S CERTIFICATION

10
 11 ORAL DEPOSITION OF
 12 MIGUEL ORTIZ
 13 AUGUST 14, 2014

14
 15 I, Jodi Cardenas, TCRR, RPR, Certified
 16 Shorthand Reporter in and for the State of Texas, hereby
 17 certify to the following:
 18 That the witness, MIGUEL ORTIZ, was duly sworn
 19 and that the transcript of the deposition is a true
 20 record of the testimony given by the witness;
 21 I further certify that pursuant to FRCP Rule
 22 30(f)(1) that the signature of the deponent:
 23 _____ was requested by the deponent or a party
 24 before the completion of the deposition and returned
 25 within 30 days from date of receipt of the transcript.

<p style="text-align: center;">\$</p> <p>\$15 29:9</p> <p>\$30 29:7,8,12 30:16,21,23 31:1,2,3,4,5</p> <p>\$75 29:6,11 30:19</p> <hr/> <p style="text-align: center;">1</p> <p>1 4:3 13:22,24 15:1,25 17:1 27:24 50:24 57:12,18,20 73:4</p> <p>10 11:25</p> <p>100,000 63:21,22</p> <p>11 28:24 29:1</p> <p>14 1:11,17 36:10 37:2 55:17,23 60:23 66:15,16,23 77:16 84:25 86:16 91:13</p> <p>14th 1:20 2:9 5:8 77:20</p> <p>15 17:8,10</p> <p>17 60:17</p> <p>18 29:16 30:8,13</p> <hr/> <p style="text-align: center;">2</p> <p>2 4:4 14:6 15:3,5 25:9 51:12</p> <p>2:13-CV-00193 1:5 91:5</p> <p>200 82:4</p> <p>2000 10:22,24</p> <p>2005 17:15</p> <p>2010 11:25</p> <p>2011 36:10,18 37:3 38:13 39:20,23 40:19,23 55:17</p> <p>2013 67:13,19,25 68:6 72:9 77:4,8,12</p> <p>2014 1:11,17 14:13 77:16,20 91:13</p>	<p>202 2:15</p> <p>20530 2:15</p> <p>209 1:20 2:9</p> <p>21 13:11,12</p> <p>22nd 67:25 77:8</p> <p>242 2:4</p> <p>25 9:6</p> <p>26 72:8 77:4</p> <p>26th 67:13,19</p> <p>281 2:5</p> <p>29 15:25</p> <p>29th 9:18</p> <p>2nd 35:3</p> <hr/> <p style="text-align: center;">3</p> <p>3 4:5 19:3,5 34:2 55:10</p> <p>3:31 1:17</p> <p>3:57 5:9</p> <p>30 9:6 29:1,4 64:9 91:25</p> <p>30(b) (6) 56:3,20 57:5,8 58:5,15 59:4 60:14,21 73:10</p> <p>30(f) (1) 91:22</p> <p>305-0107 2:15</p> <p>30th 71:17</p> <p>3100 92:17</p> <p>320-8690 92:18</p> <p>320-8692 92:18</p> <p>3rd 14:13</p> <hr/> <p style="text-align: center;">4</p> <p>4 4:6 15:20,21,23 24:13,15 25:7 33:24 51:11 71:9</p> <p>40 64:9</p> <p>400 50:19</p>	<p>463-2110 2:10</p> <hr/> <p style="text-align: center;">5</p> <p>5 4:7 71:1,4,7,11,13</p> <p>5:00 53:15</p> <p>50/50 30:22</p> <p>512 2:10 92:18</p> <p>517 2:4</p> <p>534-2748 2:5</p> <p>5th 35:4</p> <hr/> <p style="text-align: center;">6</p> <p>6 77:12</p> <p>6:08 1:17 88:3</p> <p>67 9:18</p> <p>6th 68:6</p> <hr/> <p style="text-align: center;">7</p> <p>7254 2:14</p> <p>75 29:4</p> <p>77539 2:5</p> <p>78701 2:10</p> <p>78748 92:17</p> <p>7th 1:21 2:9 5:10</p> <hr/> <p style="text-align: center;">9</p> <p>9 61:10</p> <p>914 2:4</p> <p>950 2:14</p> <hr/> <p style="text-align: center;">A</p> <p>A-101 92:17</p> <p>ability 65:8 86:11</p> <p>able 64:18 65:2,5,7 66:1,24 67:5 70:11 75:6 76:16 79:6</p> <p>above-styled 1:16</p> <p>Absolutely 57:1</p> <p>acceptable 63:17</p>
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64:14,19 66:2 70:1 72:8,15 74:16 75:7,20 76:17,25 77:5,10,14,18 account 31:16 55:17 accounting 10:4 accumulated 80:21 accuracy 72:24 accurate 6:13 19:25 20:1 accurately 7:19,23 8:1 55:21 Acevedo 35:20 achieve 55:18 achieving 34:3 acknowledge 79:11 acknowledged 90:16 acting 63:13 action 1:5 91:5 92:8,11 active 9:20,22 10:21 46:16,20 activities 34:15,20 35:12,14,17 36:9 37:1 42:7 43:12,13,16 46:2 47:15,21 48:24 53:8 54:2,7,14 actual 13:14 46:19,20 47:10 actually 10:23 32:6 33:9 36:12,16 46:4 47:8,23 48:6 add 87:11 addition 13:19 74:13 additional 59:9 60:1 66:23 address 22:17 24:23 adequate 41:9,12 adequately 41:1	82:18,23 83:10 advancement 51:16 advancing 51:2,7,23 advice 12:11 advise 12:7 13:3,18 36:1 adviser 11:15,16 12:5,14 36:20,23 advocacy 34:19,20 35:10 advocacy-related 35:17 36:9 advocate 25:14 advocating 32:21 49:24 affect 22:19 33:17 60:3 66:13 affected 24:5 35:9 69:13 86:5,15 affecting 35:7 86:11 affects 12:8 24:7 27:18 40:14 48:10 50:3 60:2 84:25 85:16 86:16 affix 90:2 afternoon 5:6 against 24:7 40:13 55:16 59:11 age 30:8 ago 47:14 ahead 19:13 22:10 59:7 85:14 al 1:3,6 2:3 91:3,6 allegation 56:22 80:11 allegations 56:24 alliance 43:10 allocate 45:18 allocated 44:2	allocation 45:12 allocations 45:13 allow 6:18 69:16,24 75:1 76:4,10,23 allowed 78:4 already 9:8,12 30:13,19 52:18 72:10 84:1 am 28:2,5 71:12 92:6,9,10 amend 86:24 amended 4:5 19:15 amendments 40:22 America 82:12,19,22 83:2 American 14:12 15:14 16:12 25:14,25 Americans 24:4 amongst 64:10 amount 31:2 analysis 17:13 80:18 81:2 annual 45:11 answer 6:17,19,21 7:7 22:10,11 37:24 38:15 40:20 41:6 50:11 53:21 54:10 56:9 57:10 58:8,19 59:7,16 62:19 63:1 65:11 66:4 67:3,23 75:13 76:20 78:1 79:10,14 80:9 84:20 85:14 86:1 answering 7:18,22 8:1 answers 6:9 16:14 57:17 60:20 76:12 86:23 anticipate 6:17 Antonio 5:15 11:4,5,9 anybody 53:3 anyone 8:22 22:16
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<p>32:16 49:19 66:7 79:13</p> <p>anything 6:1 7:25 9:11 18:14 25:23 29:18 40:12 42:1,5 47:2 50:25 62:22 85:20 86:22 87:11,14</p> <p>anyway 12:12 52:12</p> <p>anywhere 53:3</p> <p>appearances 2:1 37:8</p> <p>Appearances.....2 3:3</p> <p>appeared 90:12</p> <p>applicable 62:23</p> <p>application 29:20,21,22 30:7,14 47:11 62:18 67:2 76:8,20</p> <p>applied 62:20</p> <p>applies 67:1</p> <p>apply 61:18 62:16 72:9</p> <p>applying 62:21</p> <p>appointees 13:15</p> <p>appreciate 62:12</p> <p>approval 22:4</p> <p>approved 12:11 45:19</p> <p>areas 34:10</p> <p>argumentative 52:13</p> <p>Army 9:20 10:13</p> <p>arrangement 54:11</p> <p>articles 39:25</p> <p>aside 15:1 45:22 59:10 60:1 85:20</p> <p>as-needed 45:22,24</p> <p>assist 19:20 52:7</p> <p>assistant 2:9 5:7</p> <p>assuming 71:20</p>	<p>attached 92:1</p> <p>attainment 25:15</p> <p>attempt 78:25 79:3</p> <p>attempted 65:13,21,22 66:2</p> <p>attempting 78:15,19 79:8 80:4</p> <p>attend 22:15 42:25</p> <p>attended 42:12 49:7</p> <p>attending 42:17</p> <p>attorney 1:20 2:9 5:7,9 7:5 92:6,9</p> <p>attorney-client 23:1</p> <p>attorneys 81:16</p> <p>audit 17:13</p> <p>audits 17:12</p> <p>August 1:11,17 5:8 67:25 77:8,16,20 91:13</p> <p>Austin 1:21 2:10 5:10 36:2 92:17</p> <p>Avenue 2:14</p> <p>avoid 6:10,16,24</p> <p>aware 16:11 52:11 82:12,15</p> <hr/> <p style="text-align: center;">B</p> <p>bachelor's 10:3</p> <p>background 9:25 10:11</p> <p>baffled 59:23</p> <p>ball 35:3</p> <p>bank 31:16</p> <p>Baron 2:3,4 5:20,21 11:12 14:14 17:16,18,25 18:2,7 19:1 22:9 24:18 27:25 28:5 31:21,24 32:8,12 36:14 38:2,5,8 41:7 47:12,18 50:10</p>	<p>52:1,12,22 53:11,14,19 54:21 56:1,18 57:1,7 58:14,18 59:2 60:11 61:6,21 62:5,9 65:16 66:5,8,10,16 67:15,17 68:2,9,16,23 69:1,7 73:5,21 74:1 77:23 78:8,10 80:6 81:14,25 82:25 83:13,23 84:3,16,19 85:13,22 87:2,19,23,25</p> <p>based 11:4 37:23 56:15 66:21,22 74:15 79:20</p> <p>Basic 10:14</p> <p>basically 45:19 46:10</p> <p>basis 12:20 16:24 41:8 45:22,24 56:2 57:21,25 58:10</p> <p>become 11:24 30:20 33:9</p> <p>becomes 29:14 33:5</p> <p>begin 6:19</p> <p>beginning 57:14 72:1,8</p> <p>behalf 16:15 52:17 57:9 58:4</p> <p>belief 56:15 59:18,24</p> <p>beliefs 73:16</p> <p>believe 19:23 24:20 25:19 36:11 40:13,25 41:20,22 47:16 50:7 55:8 56:13,14 59:20,24 70:6 72:20 76:15 78:14,18,24 79:1,2,7,17,20,22,25 80:3 82:22 83:10 84:7,22</p> <p>believed 37:6</p> <p>believes 24:6 58:25 59:9,12,19 79:5</p>
---	---	--

<p>84:25 85:2 86:16</p> <p>belong 30:9</p> <p>belongs 30:2</p> <p>Belton 11:5</p> <p>benefit 32:23,24 33:11,13,18 40:14</p> <p>benefits 33:7</p> <p>Benning 9:17</p> <p>best 6:24 39:19</p> <p>bet 28:22</p> <p>better 26:8 60:19</p> <p>biggest 64:4,5</p> <p>bill 36:9 37:2 38:20 42:2,14,16 55:17,23 60:23 66:15,16,18,23 82:10 84:25 86:16</p> <p>binding 16:14</p> <p>biological 10:12,16</p> <p>bit 9:24 10:11 34:19</p> <p>blast 37:1</p> <p>board 12:7,10,13,15 13:4,7,13,14,18,19 20:14,15,18,24 21:1,3,15,17 22:5,6,17,21,23 23:8,12,13 26:9,11,12,15,25 27:2,3 31:5 36:1 44:6,23 45:19,21 49:8,9</p> <p>boards 26:24</p> <p>bold 14:10 71:19</p> <p>book 27:9 74:18</p> <p>born 9:16,17</p> <p>bottom 14:9 15:23</p> <p>branch 25:20 26:7</p> <p>break 53:10,15 68:18</p> <p>briefing 42:11 43:2 48:22</p>	<p>briefings 42:25</p> <p>briefly 62:25</p> <p>bring 9:8 22:18,20</p> <p>brings 22:22</p> <p>brought 9:19 23:11,16</p> <p>budget 45:12,14</p> <p>budgets 45:16</p> <p>bullet 34:7,18</p> <p>bulleted 73:3</p> <p>bunch 10:13</p> <p>business 10:4</p> <hr/> <p style="text-align: center;">C</p> <p>calculation 17:12 80:18</p> <p>California 28:5</p> <p>capital 14:9</p> <p>Capitol 35:21 39:7</p> <p>capture 71:15</p> <p>captured 24:16</p> <p>card 59:11 60:2 66:24 74:17,19 90:14</p> <p>Cardenas 1:18 91:15 92:16</p> <p>case 13:1 21:13 56:17 57:25 79:21 81:11 83:7</p> <p>cases 11:11</p> <p>categorized 52:5</p> <p>category 57:3</p> <p>cause 1:16 92:10</p> <p>certain 39:5 40:20 54:2</p> <p>certainly 60:14</p> <p>certainty 28:21 40:18</p> <p>certificate 61:13 70:18,24 71:23 72:10 74:20</p>	<p>Certificate 9</p> <p>1 3:6</p> <p>CERTIFICATION 91:9</p> <p>Certified 91:15</p> <p>certify 91:17,21 92:6</p> <p>cetera 34:12</p> <p>chain 48:19</p> <p>chair 13:15 35:19,20 39:6</p> <p>chance 6:13 16:10</p> <p>CHANGE 89:2</p> <p>changes 3:6 28:22 62:9 89:1 92:1,2</p> <p>charge 72:10</p> <p>charters 28:8,9</p> <p>chase 19:2</p> <p>check 39:18</p> <p>chemical 10:12,16</p> <p>chosen 67:8</p> <p>Christi 1:2 42:23 50:24 91:2</p> <p>citizens 14:12 15:15 16:13 25:14 26:1 61:18 62:16</p> <p>citizenship 74:20</p> <p>city 39:20</p> <p>civic 34:10</p> <p>civil 1:5,22 25:16 32:6 34:11 44:14 46:24 47:1,3,24 48:10 49:21 86:15 91:5</p> <p>Civilian 10:1,3</p> <p>claim 58:11 84:10</p> <p>claims 57:21,25</p> <p>clarify 86:24</p> <p>clarity 38:12</p>
---	--	---

class 32:24	concluded 88:3	contribute 31:16
classes 55:16	conclusion 54:22	control 31:8,13
clear 73:25	58:18 83:14	45:3,8
clearly 6:12 7:1	conclusions 59:5	convention 29:3,4
college 44:17 46:14	condition 25:14	45:16
combination 11:9	conduct 81:8	corporate 43:10,21
comes 35:20 39:7	conducted 35:17 39:4	Corpus 1:2 42:22,23
43:11 50:3	48:23 80:17 81:1,6	50:24 91:2
coming 36:2 37:14	conducts 47:19	correct 15:15 21:1
command 48:19	conference 8:23 9:1,5	22:19 26:9 36:20,23
Commission 90:25	conferences 37:10	37:21 38:21,25 40:17
committee 2:9 35:19	confidentiality 23:4	43:6,7 47:17 58:4
committees 13:16	confused 75:15	59:1 74:7 90:3
commonly 61:14	congressmens 34:23	correctly 13:11 29:10
communicated 80:11	consider 22:6 32:11	36:13 38:6 40:6 83:6
communication 36:25	46:21 48:8	council 27:5,7
community 24:8 30:4	consideration 39:3,23	28:23,25
32:18 33:13 35:7	42:2,8 90:18	29:2,4,5,6,11,25
66:14 85:1	considered 40:22	30:9,13,15,19,21
compensated 12:19,25	considering 22:4	31:15 44:8,25 45:11
complaint	consistent 21:25	46:11 49:2,3,12
19:15,18,21,24 23:20	constituents 32:11	50:13,16,24 53:6
55:8,12 56:22,25	constitute 51:23 52:2	councils 27:5 31:15
Complaint.....	constitution 27:8	43:15 46:14,20
.19 4:5	consulted 23:19	49:5,6 50:17 52:20
complete 44:10	contained 16:8,11,17	53:5 54:13
completion 91:24 92:5	19:24 72:21	counsel 5:16 8:21
component 26:3	contains 92:2	12:24 87:7,11 92:7
composed 26:15 28:24	contend 53:25	countless 60:18
63:24	54:16,19 55:5 58:6	COUNTY 90:9
comprised 13:14	63:2,10,16 64:13	course 12:24 28:11
comprises 13:6	66:6,9 85:4,8,11	35:9 57:2 59:2 60:16
compromise 49:19	86:9	85:16
computerized 1:19	contending 54:23,25	courses 10:16
concealed 61:12 74:18	contends 66:12	court 1:1 6:12 91:1
concern 23:7 34:25	contention 66:21	cover 6:7 43:18
80:11	contentions 16:24	CSR 1:18 92:16
concerning 36:17	54:25 73:17	current 61:2,3,10
		currently 9:22
		10:6,25 65:7 69:4
		75:24
		custody 87:8

<p style="text-align: center;">D</p> <p>D.C 35:3</p> <p>date 14:4,13 19:2 68:13,21 77:16,20 91:25</p> <p>day 8:25 9:2,3 21:20,21 41:11 42:12,17 90:12,20 92:12</p> <p>days 9:3 91:25</p> <p>DC 2:15</p> <p>deal 30:2 35:1,11 43:16</p> <p>December 68:6 77:12</p> <p>decide 19:1 20:19 21:16</p> <p>deciding 23:21</p> <p>decision 20:11</p> <p>decisions 20:13</p> <p>dedicated 85:20</p> <p>defend 86:5</p> <p>Defendant 14:11</p> <p>defendants 1:7,15 2:8 5:8 13:2 91:7</p> <p>defenses 57:22 58:1</p> <p>defer 58:21,22</p> <p>define 77:25</p> <p>degree 10:3,5</p> <p>delay 42:2</p> <p>delegates 29:3</p> <p>Department 2:13,14 4:7 71:16,21</p> <p>depending 12:10 21:6 35:23 48:5</p> <p>depends 11:8,11 12:24 21:13 23:5</p> <p>depo 6:1 57:13</p> <p>deponent 57:8</p>	<p>91:22,23 92:4</p> <p>depos 5:24</p> <p>deposed 5:22 6:2</p> <p>deposition 1:9,14 6:7 8:9,12 9:12 14:12 15:2,12,14,18 39:18 56:20,23 59:4 60:14 87:9 88:3 90:1 91:11,19,24 92:5</p> <p>Deposition.....13 4:3</p> <p>Deposition.....15 4:4</p> <p>describe 35:16</p> <p>described 16:15 59:18</p> <p>description 4:2 90:14</p> <p>designated 16:12 18:20 58:3</p> <p>designed 31:12 60:3</p> <p>designee 60:21</p> <p>determine 76:16,24</p> <p>deterrence 80:8</p> <p>deters 80:4</p> <p>development 34:11</p> <p>deviate 21:25 55:1</p> <p>deviation 25:23</p> <p>devote 86:10</p> <p>Dickinson 2:5</p> <p>different 14:4 26:2 28:8 55:3</p> <p>differently 35:10 62:10</p> <p>direct 16:21 27:4 32:7 33:18</p> <p>directive 27:6</p> <p>directly 12:8 18:13 41:16 46:25</p>	<p>director 13:8,9 21:2 27:5 49:11</p> <p>directors 13:10 22:18,20,23 26:24 27:4 49:11</p> <p>discharged 10:20</p> <p>disclosures 44:9</p> <p>discriminating 55:16</p> <p>discriminatory 54:17,20 58:7,25 59:11,21,25</p> <p>discussed 22:25 23:5 78:5 79:12,13</p> <p>discussion 22:24 78:12</p> <p>disenfranchises 55:24</p> <p>disenfranchising 55:15 56:11</p> <p>dispute 73:1</p> <p>distinguish 52:16</p> <p>distracting 8:7</p> <p>district 1:1 13:10 22:19,20,22 27:3,4 43:15 46:11 49:11 91:1</p> <p>district-level 44:8</p> <p>districts 13:12</p> <p>divert 54:1,4,6,13</p> <p>divide 26:1 64:4</p> <p>divided 26:6,20 29:8</p> <p>DIVISION 1:2 91:2</p> <p>document 13:25 14:3 15:8,10 19:6,8 72:24 73:6 90:15</p> <p>documentation 50:14 51:22</p> <p>documents 9:9 60:18 64:25 65:3,9</p> <p>donations 43:10,22,25</p> <p>done 6:23 17:19 18:5</p>
--	---	---

<p>46:9 50:24 81:16 84:2,4</p> <p>doubt 25:1</p> <p>DPS 61:1</p> <p>draft 40:21</p> <p>driver's 70:20 74:17</p> <p>drives 46:12 47:20 48:2,9</p> <p>due 29:5</p> <p>dues 28:11,18,19</p> <p>duly 1:15 5:3 91:18</p> <p>during 35:4 36:10,13,24 37:3,13,15,21 38:17 39:2,22,23 41:19 52:7</p> <p>duty 9:20,22 10:21</p>	<p>eight 26:23</p> <p>either 10:2 18:5 39:18 42:23 50:23 52:22 61:1 73:1</p> <p>election 61:12 67:5,9 70:17,23 71:23 72:9</p> <p>elections 52:8 72:4</p> <p>eligible 72:11,18 78:22 79:6</p> <p>else 7:25 8:22 9:11 42:5 43:3 78:25 79:4 81:8</p> <p>elsewhere 54:3</p> <p>e-mail 36:25</p> <p>employed 10:25 92:7</p> <p>employee 61:11 92:9</p> <p>employer 11:2</p> <p>enacted 36:10 37:3 54:16,19 58:6</p> <p>enacting 63:3 66:14</p> <p>enactment 38:14 39:22</p> <p>encompass 47:2</p> <p>encourage 47:21,22 48:19 53:7</p> <p>Encouraging 47:6</p> <p>endorsement 30:9</p> <p>engage 35:13 36:8</p> <p>engaged 42:8</p> <p>engages 34:16 46:2 47:15</p> <p>enlighten 35:21</p> <p>ensure 48:20,21 49:21 50:4</p> <p>entities 45:11</p> <p>entity 18:8</p> <p>equally 61:18 62:16</p> <p>Eric 2:13 14:21 87:13</p> <p>especially 55:16</p>	<p>establish 73:17</p> <p>established 30:13 74:23</p> <p>estimates 17:12</p> <p>et 1:3,6 2:3 34:12 91:3,6</p> <p>ethnicity 55:17</p> <p>event 52:4</p> <p>events 10:16</p> <p>everybody 27:8 37:25 47:25 48:3</p> <p>everyone 46:4 53:10</p> <p>everything 8:14 43:1</p> <p>exact 64:3</p> <p>exactly 37:9 54:25 86:13</p> <p>Examination 3:5 5:4</p> <p>example 20:16 23:2 33:14 34:21 35:2 36:2 48:13,16</p> <p>examples 34:21</p> <p>except 90:3</p> <p>executed 90:17</p> <p>executive 12:7 13:4,7,13,19 20:14,15,18,24,25 21:15 22:5,16 23:2,3 26:9,11 31:5,10</p> <p>exempt 72:4</p> <p>exemptions 72:5</p> <p>exhibit 13:22,24 14:25 15:1,3,5 19:3,5 24:12,13,15 25:7 33:24 51:11 55:8 71:11,13</p> <p>exhibits 4:1 58:23 87:9</p> <p>exist 30:3</p> <p>exists 79:11,15,17</p> <p>expending 86:5</p>
--	--	--

<p>expenses 43:18 expert 56:3 57:9 60:17 expertise 80:7 experts 58:12,23 76:11 80:21 81:11 Expires 90:25 explain 65:5 explained 22:3 43:1 explanation 43:4 express 23:7 34:24 35:6 expressed 81:19 82:7 90:18 extent 18:2,3 56:19 eyes 12:12</p> <hr/> <p style="text-align: center;">F</p> <p>fact-based 60:12 factual 16:24 57:21,25 fair 37:7 familiar 24:21 60:5,8 70:14,16 family 11:9,10 53:7 favor 63:6,7 fax 92:18 Federal 1:21 fee 29:12,13 feel 57:10 feeling 7:15 feels 82:18 fees 43:9,24 festivals 46:13 Fidel 35:20 field 76:19 file 8:13 20:13,20 58:22</p>	<p>filed 19:16 20:6,10 21:5 76:7 files 30:7 fill 29:19 30:14 48:2 financial 44:10 85:6 financially 92:10 fine 53:11 65:18 finish 6:18,20 first 4:5 5:3 11:24 19:15 20:3 22:13 23:15 25:7 34:2,6 51:11 55:12,13 63:20 73:6 five 12:4 17:4 53:15 71:2 five-minute 53:15 Floor 1:21 2:9 5:10 FM 2:4 forced 54:1,5 foregoing 90:1,16 forgot 26:19 form 22:9,11 29:5 31:21,25 32:12 47:12,18 50:10 52:1,12 53:19 54:21 66:3,5,8 67:15,17 68:2,9,16,23 69:7,20 70:1 75:7,20 76:9,17,25 77:6,10,14,18,23 78:8 80:6 81:25 82:25 83:13 84:16 85:23 forms 63:17 64:15,19 70:3 72:8,11,14,15,17,19 73:2,13,24 74:10,11,12,16,24 Fort 9:17 11:8 forum 47:20 forward 87:4</p>	<p>foundation 24:2 frames 65:23 fraud 79:11,17,22 80:1,2,5,12,19 81:3 FRCP 91:21 free 57:10 Frequently 25:8 friends 53:7 front 23:21 33:25 36:17 41:2,15 55:10 74:2 fulfill 86:11 fulfilling 50:8 full 5:12 functions 43:18 45:17,20 fund 31:7,8,9 funding 31:14 43:8,11,19 fundraiser 45:2,7 fund-raising 31:14,16 43:12,13,16 fund-raisings 43:25 funds 31:17 43:24 44:1,11,23 45:3,4,8,12,18,21 furtherance 86:19 future 75:21 76:10</p> <hr/> <p style="text-align: center;">G</p> <p>general 1:20 2:9 5:7 16:20 21:18 24:4,8,10 30:2 81:24 82:2 generally 60:8 general's 5:10 generated 43:24 Georgia 9:17 gets 20:19 21:5 22:24</p>
--	--	---

<p>24:5 35:9</p> <p>getting 36:25</p> <p>given 40:25 44:5 90:19 91:20</p> <p>gladly 7:1</p> <p>goal 44:12,13</p> <p>government 61:11</p> <p>graduated 10:23</p> <p>graphics 80:21</p> <p>ground 6:6</p> <p>group 17:15 30:5,6 63:3,11 73:15</p> <p>guess 13:9 22:24 23:9 26:7 31:13 32:25 33:19 35:21 37:14 45:17,20 47:21 48:4 49:10 50:5 80:22 81:15</p> <p>guy 49:9</p> <hr/> <p style="text-align: center;">H</p> <p>half 8:18 11:19 31:3,4 40:7</p> <p>hand 90:19</p> <p>handed 14:1,25</p> <p>handgun 74:18</p> <p>handing 13:23 15:4 19:4 24:14 71:12</p> <p>hands 57:15,16</p> <p>happened 21:21,24 42:22 79:20 80:15</p> <p>hardly 20:6</p> <p>harm 53:24 63:3,11 77:22 78:1,2</p> <p>harmed 53:18 67:20,25 68:7,13,21 84:10,13,15</p> <p>haven't 42:9</p> <p>having 5:3 16:10 73:8 74:23 86:10</p>	<p>he/she 90:17</p> <p>head 6:10</p> <p>heading 15:24</p> <p>health 25:16 34:12</p> <p>hear 7:1 38:5</p> <p>hearings 36:6,13</p> <p>held 11:17 43:14 45:7</p> <p>help 33:15 46:3 48:15 50:13</p> <p>helpful 52:16</p> <p>helping 46:21 47:4,8,13,15 51:20,21</p> <p>helps 46:4 53:6</p> <p>hereby 90:2 91:16</p> <p>he's 5:17 18:4 52:17,18 56:2 73:16 74:1 81:15 83:23 87:3</p> <p>Hill 35:21 39:7</p> <p>Hispanic 24:5 25:16 32:21,22 51:3,7,17,24 60:3 66:14 85:1</p> <p>Hispanics 24:2 32:22 33:17 59:11 60:2 86:8</p> <p>history 55:14 56:10,17</p> <p>hold 10:22 12:3 14:14 31:1 36:15 43:12 45:2 61:21</p> <p>honest 58:17</p> <p>Hood 11:8</p> <p>hour 8:18</p> <p>hours 8:18</p> <p>housing 25:15</p> <p>hundred 17:4 30:24 39:16 40:8 63:18,25 64:2</p>	<p>hung 17:21</p> <hr/> <p style="text-align: center;">I</p> <p>ID 59:10 60:1,24 61:2,9,11 63:17 64:15,19 66:3 69:20 70:1,3,6 72:3,8,11,14,15,17,1 9 73:3,13,24 74:10,11,12,16,17,24 75:7,20 76:6,9,17,25 77:3,6,10,14,18 81:19</p> <p>idea 6:11 78:3</p> <p>identification 61:13 66:23 69:18,19 70:17,23 71:23 72:9 74:19 75:2 81:22 82:10</p> <p>identified 70:6</p> <p>identify 64:18 65:2,7,20 67:4,12,19,24 68:5,12,20 69:4,17,25 75:1,6,11,19 76:5,10 77:4,8,12,17,21</p> <p>identity 17:2,5 90:14</p> <p>IDs 50:14 60:6,9 70:14</p> <p>I'll 6:6,19,20 7:1 16:13 19:14 22:10,11 32:8 41:13 55:4 58:16 62:10 68:18 82:21 84:2</p> <p>illegal 79:23,24 80:1</p> <p>illnesses 7:17</p> <p>I'm 5:6 6:7 7:16 9:6 11:15 12:1,7,23 13:23 14:4 15:4 17:8,23 19:4 20:5 22:9 23:9 24:14 27:17,20 28:2,6 30:23 32:12 33:10 37:2,4 40:8,20</p>
---	---	--

<p>41:12,16,17 42:24 44:18 45:23,24 46:25 48:6 49:10,11,17 51:6,14 52:11,13,24 53:11,24 55:12 56:1,18 59:15,16,23 60:8,11 62:2 70:16 71:20 72:13 73:5,17,25 75:14 76:13 80:23 81:13 83:8,19 84:17 85:13,22,23 87:3</p> <p>imagine 44:7</p> <p>impact 42:14 85:5,9,19 86:7</p> <p>impacted 84:23 86:2</p> <p>implementation 54:1 67:14,20 68:1,8,14,22 69:6 84:23 85:4,9,11</p> <p>implemented 86:4</p> <p>important 37:15</p> <p>imposed 60:1</p> <p>impossible 66:7,11</p> <p>inaccurate 72:22</p> <p>include 34:10</p> <p>included 27:18 49:17</p> <p>including 19:15 32:19 86:8</p> <p>independence 31:13</p> <p>Independent 81:14</p> <p>INDEX 3:1</p> <p>indicating 21:19</p> <p>indirectly 46:25</p> <p>individual 23:12 35:7 43:21 48:4 52:19 63:13</p> <p>individually 50:21 63:15</p> <p>individuals 39:5 62:19</p>	<p>influence 25:15 51:2,7,14,17,24 52:3,4,5</p> <p>information 19:24 57:16 60:20 68:25 69:16,24 74:25 76:4,23</p> <p>informed 50:5</p> <p>initiate 21:16 22:5 23:21</p> <p>initiating 20:25</p> <p>initiation 29:11</p> <p>injured 67:13,17 68:6 69:6</p> <p>injury 11:10 67:16</p> <p>input 22:6</p> <p>instance 1:15 66:1</p> <p>instructs 7:6</p> <p>instrument 90:16</p> <p>INTEGRITY 92:16</p> <p>intend 63:12</p> <p>intended 63:3,11,14 66:13</p> <p>intent 14:11 58:7 63:13</p> <p>intention 15:13</p> <p>interest 18:17 62:5 83:17</p> <p>interested 92:11</p> <p>interests 27:11 82:17,23 83:10</p> <p>introduce 14:19 24:12</p> <p>invited 43:4 48:15</p> <p>involved 12:9,23 22:2 24:9 32:7 38:1 40:19 47:2 85:15 86:4</p> <p>involvement 23:10 83:11</p> <p>issue 20:17,18 22:24 23:12 24:6 30:5</p>	<p>46:24 47:1,2,3 49:25 61:1 78:7</p> <p>issued 28:12</p> <p>issues 12:10 22:17,18,21 23:1 33:15,17 34:25 35:6,23</p> <p>it's 5:8 12:3,11,12,20 13:11 15:13 17:4,23 18:9 20:23 21:7 22:13 24:21 25:22 26:2,6 27:8,14,22,24 29:9 30:7,23 31:1,2 32:6,23,24 33:11 36:6 39:15 40:6 41:4,10 43:18 44:9,21 45:24 46:18,24,25 47:1 49:6,17,25 50:19,25 51:19 53:11,15 55:2 56:14,21 57:4 59:24 61:10 62:6,20 71:7 79:24 80:14 82:4</p> <p>I've 5:24,25 13:25 22:2 57:2 70:16,17,18 71:9,10 72:21 74:8 83:25</p> <hr/> <p style="text-align: center;">J</p> <p>j.rich@usdoj.gov 2:16</p> <p>job 12:21</p> <p>Jodi 1:18 91:15 92:16</p> <p>join 14:18 20:11 30:15,20</p> <p>joined 33:14</p> <p>Jr 2:8</p> <p>July 71:17</p> <p>June 10:22,24 14:13 67:13,19 72:8 77:4</p> <p>JUSTICE 2:13,14</p> <hr/> <p style="text-align: center;">K</p> <p>kicks 38:10</p>
--	---	--

<p>kids 44:17 46:14</p> <p>kinds 33:7</p> <p>knew 20:6,9 82:14</p> <p>knowledge</p> <ul style="list-style-type: none"> 16:16,18,19,20,22,25 18:5,7,19,23 20:1 21:23 23:23 30:3 38:16 39:8,19,21 40:24 44:3,5 50:19 54:15 57:15 60:15 64:16,21,23 65:1,14 67:6,10,22 68:4,11 69:2,14 77:1,7,11,15,19 78:2,13 80:13,16 81:1 <p>known 61:14 90:12</p> <hr/> <p style="text-align: center;">L</p> <p>lack 26:8 63:16 64:14</p> <p>Lane 92:17</p> <p>language 14:9</p> <ul style="list-style-type: none"> 17:14,24 62:24 72:1 <p>Laredo 42:24</p> <p>largest 64:11</p> <p>last 58:15 71:9</p> <p>later 19:2 65:6 84:6</p> <p>Latin 14:12 15:14</p> <ul style="list-style-type: none"> 16:12 24:3 25:13,25 <p>Laughter 11:13 66:19</p> <p>law 2:4 10:5,6</p> <ul style="list-style-type: none"> 11:3,4,7,9,10,12 24:7 56:17 62:18 67:2 73:14,16 79:21 81:21,22 <p>laws 81:20 82:4</p> <p>lawsuit 12:23 19:16</p> <ul style="list-style-type: none"> 20:4,12,15,21,25 21:7,8,16 22:5 23:11,22,25 27:10 54:4,5 57:22 73:14 81:14 82:13,19,24 83:12 85:3,16,18,21 	<p>86:3,11,18</p> <p>lawsuits 20:14</p> <p>lawyer 83:19</p> <p>lawyers 76:11 80:21</p> <p>lead 12:24</p> <p>leadership 10:15</p> <ul style="list-style-type: none"> 34:12 <p>leading 73:19</p> <p>League 14:12 15:14</p> <ul style="list-style-type: none"> 16:12 25:13,25 <p>learn 49:13</p> <p>learned 20:4</p> <p>least 30:3 37:25</p> <ul style="list-style-type: none"> 45:14 46:15 57:24 <p>leave 21:9</p> <p>legal 11:15,16</p> <ul style="list-style-type: none"> 12:5,8,13,14 36:19,23 54:21 58:18 59:5 83:14 92:16 <p>legislation 66:13</p> <p>legislative 38:18</p> <ul style="list-style-type: none"> 41:21 <p>legislator 39:6</p> <p>legislators 35:5 39:9</p> <ul style="list-style-type: none"> 63:10 <p>legislature 34:23,24</p> <ul style="list-style-type: none"> 35:19,24 36:6,10,17 37:3,7 39:2,6,20,24 41:2,15 49:23 63:2,4,14 <p>legislatures 35:22</p> <p>less 9:7</p> <p>let's 14:14 44:24</p> <ul style="list-style-type: none"> 45:2 55:7 63:7 65:16 73:21 75:17 <p>letters 14:10 71:19</p> <p>level 20:15</p> <ul style="list-style-type: none"> 21:9,10,13 28:16 35:13,14 44:22,23,24 45:6,7,11,15,20 49:1,2 50:13,15,16 	<p>54:8,9 80:15</p> <p>levels 43:15 45:15</p> <ul style="list-style-type: none"> 46:11,12 80:14 <p>license 70:21</p> <ul style="list-style-type: none"> 74:17,18 <p>licensed 10:6</p> <p>line 73:6 83:25</p> <p>list 76:14,16,21</p> <p>listed 18:19 51:13</p> <ul style="list-style-type: none"> 72:15 73:3 74:11 <p>litigation 85:20</p> <p>little 8:7 9:24 10:11</p> <ul style="list-style-type: none"> 11:18,19 18:14 27:6 33:3 34:19 47:12 49:5 50:17 53:6,14 <p>live 19:10 41:19</p> <p>local 31:15 43:15</p> <ul style="list-style-type: none"> 44:24,25 45:10 46:20 49:2,3 50:13,16,24 54:12 <p>locally 53:5</p> <p>logistics 52:15</p> <p>long 9:1,5 11:17</p> <ul style="list-style-type: none"> 55:14 56:17 84:3 <p>lot 10:15 18:16 35:8</p> <ul style="list-style-type: none"> 37:5,8 44:16 49:4,6 <p>loud 16:6</p> <p>lower 80:15</p> <p>LULAC 4:6</p> <ul style="list-style-type: none"> 11:14,21,23,24 12:6,8,9,21 13:1,4,5,6,7 14:13 16:13 17:19 18:5,8 20:3,5,16 21:15 22:6 23:19,24 24:1,6,16 25:19,21 26:8,12 27:10,12,21 28:2,3,6,10 29:15,17 30:1 31:6,18,22 32:9,10,16,20,21 33:1,5,9,10,11,12,14 ,18,21 34:3,15,20,22 35:13,17,22
---	--	--

<p>36:8,19,24 37:1,17 38:3,13,17 39:1,10,20,24 40:10,12,13,16,21,25 41:14,18,23 42:5,7 43:2,3,6,8 44:25 45:7 46:2,3,4,8,14,21 47:2,15,19,23 48:8,11,14,18,23 49:16 50:3,7,12 52:7 53:17,22,25 54:1,4,5,12,16,19,23 ,25 57:9 58:3,6,10,25 59:9,12,19,20 63:2,10,16,22,23 64:11,13,18,24 65:2,8,12,21 66:1,2,6,12,25 67:4,8,12,19,24 68:5,12,20 69:4,8,15,23,25 73:10,15,17 74:25 75:6,10,19 76:3,7,12,14,16,22,2 4 77:4,8,12,16,21 78:3,7,14,18,23,24 79:1,2,5,7,11 80:11,12,17 81:1,5,19 82:6,9,17,21,23 83:3,9,17 84:9,12,13,14,22,25 85:2,3,4,8,11,12,15, 17,19 86:1,4,9,13,15,18 lulac.org 24:25 LULAC's 19:15 23:10 25:9 34:25 47:5,24 51:3,8,12,18 57:21 luncheon 48:14 49:8</p> <hr/> <p style="text-align: center;">M</p> <p>machine 1:19 mainly 11:8 maintain 69:9,10,11</p>	<p>76:14,23 maintained 87:9 majority 27:23 mandatory 44:9 MARC 1:3 2:3 91:3 marked 13:22,24 15:1,3,5 19:3,5 24:13,15 71:11,13 87:9 mass 36:25 master's 10:4 materials 8:17 matter 5:8 28:14 41:4,10 53:4 57:20 matters 12:8 15:24 may 6:23 7:5 22:17 23:7 28:25 35:22 53:5 68:13 69:5 72:9 81:15 maybe 8:18 9:6 13:2 18:9 19:10 37:10 43:15 53:6 64:8 mean 10:15 12:21 16:19 17:4,8,18,20,22 18:3 19:10 20:5 22:19 27:17,22 32:3 33:4 35:6 40:3 47:10,11 49:4 52:13,23 53:23 55:2 58:1,12 60:12 61:10,24 62:3 66:17 67:16 68:15 70:20 72:23 73:6 78:11 80:14 82:2 83:19 86:1 means 7:11 42:14 meant 43:5 73:24 74:10 medications 7:21 meet 34:22 35:5 meeting 22:15 23:2 35:5 49:9</p>	<p>meetings 8:21 21:4 22:16 23:6 39:4 44:6,7,8 member 11:23,24 17:3 23:6,12 26:14 28:2,6,10,14 29:10,12,14,16,25 30:2,10,20 33:5,9 36:19,24 39:20 64:18 65:8,21 66:2 67:12,19,24 68:6,13,20 69:5,17,25 75:1,6,19 76:5,24 77:4,9,13,17,21 80:10 81:19 82:6 members 13:13,14 17:2,5,6,14 22:7,14,21,22 23:3,8,13,25 26:4 27:11,12,23 28:15,24 29:1,2,18,19 30:1 32:10,17,19,24 33:2 34:23 36:11,16 38:17 39:1,2,10,12,16,19 41:18 46:3,6,7,22 48:11,17,24 49:12,15 50:9,13 53:7 63:16,21,22 64:2,11,14,17,24 65:2,12 67:4,8 76:7,17 membership 27:22,24 28:12,18,19 29:5,13 33:8 43:9,24 64:6 69:13,16,24 73:20,21 74:25 76:4,8,14,21,23 77:3 memory 13:11 29:9 36:12 40:6 mention 9:13 mentioned 9:8 10:10 13:3 35:1,12 42:9 44:19 mess 52:24 messing 27:25</p>
---	---	--

<p>met 39:1</p> <p>method 48:4</p> <p>methods 55:15</p> <p>Miguel 1:10,14 3:4 5:2,13 17:16 90:1,6,12 91:12,18</p> <p>M-I-G-U-E-L 5:13</p> <p>military 10:1,10 61:1,9,11 70:21 74:19</p> <p>mind 8:3</p> <p>minorities 24:2,4,8 33:17 37:7 42:15 47:25 49:21 50:3 66:14 85:2 86:6,7,14,16</p> <p>minority 17:13,15 24:5 40:14 63:3,11 86:6</p> <p>minute 13:25 47:14</p> <p>minutes 9:6 53:15</p> <p>mission 25:10,13,18,20 34:3 46:23 47:5 48:9 49:16,18,20 50:1,8 51:4,9,12,18 86:12,13,19</p> <p>misstates 78:10</p> <p>moment 15:5 16:3 19:6</p> <p>money 44:15</p> <p>movement 37:5</p> <p>moving 18:17 62:5</p> <hr/> <p style="text-align: center;">N</p> <p>nation 26:2</p> <p>national 12:11,13 20:14,18,25 21:4,5,8,13,17 22:5 24:18,19,20,22 25:19 26:12,13,15,16 28:2,6,11,12,16 29:3,6,8,10 30:22</p>	<p>35:13 44:4,6,19 45:15 48:18 63:22,24</p> <p>national-level 21:7</p> <p>nationwide 12:13 34:24 43:10</p> <p>naturalization 74:20</p> <p>nature 52:15</p> <p>nay 21:5</p> <p>necessarily 13:1</p> <p>necessary 36:6 50:14 51:22 64:25 65:3,9</p> <p>negative 85:5,9,12,19</p> <p>negatively 84:23</p> <p>Neil 2:3,4 5:19,20,21</p> <p>neil@ngbaronlaw.com 2:6</p> <p>neither 92:6</p> <p>newspaper 40:2</p> <p>NI 65:21</p> <p>nobody 30:2</p> <p>nodding 6:10</p> <p>noes 38:9</p> <p>Non 61:4</p> <p>noncommissioned 10:14</p> <p>none 32:6 69:9</p> <p>nonexpired 61:2,7,8</p> <p>nonhispanic 61:5</p> <p>nonHispanic 29:19</p> <p>nonmembers 46:22</p> <p>nonprofit 33:11 43:6</p> <p>nor 92:7,10</p> <p>northeast 26:18</p> <p>northwest 26:18</p> <p>NOTARY 90:23</p> <p>noted 90:3</p> <p>notice 4:3,4 8:12 14:11 15:11,13,17</p>	<p>16:11,15,18 56:23</p> <p>notorious 55:14 56:10</p> <p>nuclear 10:12,17,18,19</p> <p>NWB 2:14</p> <hr/> <p style="text-align: center;">O</p> <p>oath 7:11 90:13</p> <p>object 7:5 22:9,11 31:21 32:12 52:12 54:21 56:1,2,19 58:14 66:5 68:2,9,16 69:7 73:5 77:23 80:6 84:16 85:13,22</p> <p>objected 41:7 57:2</p> <p>objection 31:25 32:8 47:12,18 50:10 52:1 53:19 56:5 57:3,4,10 58:14 59:2,6 60:12,22 61:21,23 62:2,6,10 66:8 67:15 68:23 78:8 81:25 82:25 83:13 85:24</p> <p>obtain 65:10 66:2 70:19</p> <p>obviously 17:18</p> <p>October 34:22</p> <p>office 1:19 2:4 5:10 11:3,4,5,8,9 90:19</p> <p>officer 10:14</p> <p>official 12:6 45:14</p> <p>Oh 38:4 61:6</p> <p>okay 5:22 6:4,6,23 7:5,10,15 8:3 9:11,15 11:7,21 13:3,8,21 14:2,18,24 15:7,23 16:9,17 17:7,20 18:12,15,22,25 19:7,17 21:8,22 23:19,24 24:11 25:6,24 26:5 27:10,16,20 28:13 29:23 30:25</p>
--	--	---

<p>31:3,8,18 33:6 34:6 35:12 36:22 38:23 41:23 42:19 44:24 45:1 48:8,11 49:15 51:20 52:21 53:9 55:7 57:19 58:6,24 62:9 64:1,13,24 65:17 71:8,12,24 72:25 73:2 74:1,9,14,22,23 75:14,18,23,25 76:22 80:23 81:18 82:3 83:18,21 84:3 87:16,24 88:2 old 29:16 30:14 ones 16:23 26:19 one-time 29:12 open 22:16 31:15 opens 22:24 operate 27:7 opinion 2:9 39:25 41:4,10 57:15 78:23 opinions 35:6 opportunity 24:11 41:1,14,17 oppose 37:17 38:3,14 opposed 37:25 opposition 38:20 40:11,12 41:1,14 oral 1:9,14 14:11 15:13 38:17 91:11 order 28:10 65:9 70:10,15 organization 20:23 21:24 22:13,15 24:3 25:22 26:1,3 27:15,21,24 31:19,25 32:3 33:20,22 36:12 37:6,13,15,17,25 38:13 41:23 43:5,6 44:13,14,17 45:17 46:18 52:17 53:1,18 59:20 64:5 69:5</p>	<p>77:5,9,13,17,21 82:9 84:10,12,15 organizations 26:2 organize 46:11 original 87:8,20,25 originate 23:11 Ortiz 1:10,14 3:4 5:2,13,14,22 7:15 8:3 9:15 10:25 11:3 13:23 14:25 15:8 19:4,8 20:3 24:15 53:17 61:17 65:20 71:12,13 72:14 84:9 86:21 87:3,5,14 90:1,6,12 91:12,18 O-R-T-I-Z 5:13 otherwise 92:11 outcome 92:11 outside 48:22 56:19 57:4 58:15 59:4 60:13 85:18 overbroad 77:24 oversee 26:22 oversees 27:3</p> <hr/> <p style="text-align: center;">P</p> <p>p.m 1:17 88:3 page 3:2 4:2 14:6,9 15:20,21,23 25:7 34:2 51:11 55:12 61:10 71:19 72:21 73:4 74:12,15 92:2 PAGE/LINE 89:2 paid 12:17,21 29:13 30:19 81:4,8 paperwork 48:2 paragraph 17:1 25:9 34:2,4,6,9 35:1 51:12 55:13 72:6 paragraphs 15:25 16:1,4</p>	<p>partial 31:13 participate 20:21 45:18 53:2 participation 34:11 36:7 particular 13:1 19:2 20:22 21:18 24:6,7 32:4,5,23,24 44:23 57:2 76:20 78:5,12 79:14 81:21 parties 92:8 partisan 31:18,25 32:3 partner 12:9 party 32:4,5 82:13 91:23 92:5 pass 49:10,13 87:1 passed 41:24 42:16 passport 61:12 70:22 74:18 Past 75:21 pay 28:11,23 29:6,7 30:16,21 43:19 paying 81:11 pays 29:10 PC 11:3 penalty 7:13 pending 35:23 36:3 49:23 Pennsylvania 2:14 people 30:6 32:10,19 35:8 36:4 37:23 46:19,21 47:4,6,8,16,21,22 48:20,21 49:19 50:1,4 51:20 62:20,23 63:6,7,19 78:15,19 percent 30:24 40:8 64:9 percentage 64:7,11</p>
---	---	---

period 75:21	7:1 14:1,6 15:5,20	presented 42:19 57:8
perjury 7:13	16:4 19:5,6 25:6	presenter 42:21
permit 61:12	72:6 73:2	presents 24:11
PERRY 1:6 91:6	plus 28:15 30:10	president 26:16,22
person 30:4 63:13	point 23:16,17 24:7	27:1,7
78:24 79:2,3,5,8	34:7,18 52:24,25	presidents 26:14,17
90:15	57:12 75:10,11 77:22	press 37:10
personal 11:10	points 18:13 73:3	pretty 27:17 37:14
16:19,20,22,25 21:23	policy 24:9,10	45:23 49:10,12
23:23 39:4,8,21	political 25:15 32:5	prevent 7:18,22,25
40:24 44:3 50:19	51:2,7,13,16,23	41:24
54:15 57:15 60:15	52:3,5	previous 62:7,11
64:16,21,22 65:1,14	politics 32:7	previously 70:4
67:6,10,22	polling 52:10	primarily 33:21
68:3,11,24 69:2,14	population 25:16	primary 10:15 11:8
74:17	51:3,8,17,24 60:4	47:24
77:1,7,11,15,19 78:2	portion 59:15	print 71:14
80:13,15	position 12:17,18	printed 71:16
personally 16:24 39:2	39:25 78:7	printout 4:6,7 24:16
79:16,18 90:12	positions 35:22	71:15
phone 14:19 53:13	positive 32:22	privilege 23:1
photo 72:3 74:19,21	possess 69:17	probably 9:7 27:23
physical 47:10	75:1,7,20 76:5	41:5 43:14 46:14
physically 48:2	77:5,9,13,18	problem 84:11
pieces 39:25	power 42:4	problems 50:5
places 52:10	practice 10:6 11:7	Procedure 1:22
plaintiff 20:6 83:3	prefer 84:5	process 21:25 22:1
86:3	preference 84:8	produced 1:14
plaintiffs 20:9 23:20	premises 24:2	program 35:10
83:6,22	preparation 15:17	programming 34:7,10
plaintiff's 19:15	19:21	projections 17:12
Plaintiffs 1:4 91:4	prepare 8:8,10 9:12	promoted 46:18
Plaintiff's 4:5	45:11	propose 40:21
PLAINTIFFS 2:3	prepared 17:19	proposed 20:24
plan 48:16,18	presence 78:12	protect 24:3 86:14
pleading 59:14	present 5:1 14:17	protected 49:22
pleadings 19:10,11	17:15 20:17	prove 80:3
54:24 55:1,2,6,7,22	21:4,16,20 22:22	
57:23,24 58:8,21,22	23:3,4,15 36:5 75:21	
59:8,16 83:5	presentation 42:20	
please 5:11,12 6:9,18		

<p>proved 90:13</p> <p>provide 33:1 57:16,17</p> <p>provided 38:17 60:18</p> <p>public 4:7 37:8 49:24 71:16,21 90:23</p> <p>publicize 40:12</p> <p>publicized 40:10</p> <p>publish 39:24</p> <p>Puerto 11:6,10 28:15</p> <p>purpose 33:15 54:17,20 90:17</p> <p>purposes 38:12</p> <p>pursuant 1:21 72:16 73:10 91:21</p> <p>pursue 21:10,11,12</p> <p>pursuing 86:18</p> <p>puts 22:25</p> <p>putting 8:5</p>	<p>raise 45:2</p> <p>rankings 46:19</p> <p>rather 84:5</p> <p>reading 51:6,10 59:15</p> <p>real 14:20 87:13</p> <p>realized 23:13</p> <p>really 17:23 19:1 32:13 45:17 46:16 57:13 80:9 81:7</p> <p>reason 19:23 24:25 53:3 72:20 73:1 76:3 89:2</p> <p>reasons 92:2</p> <p>recall 36:14,25 37:9,16 70:9</p> <p>receipt 91:25</p> <p>receive 33:18 43:8,21 72:18</p> <p>received 15:11</p> <p>recognition 35:3</p> <p>recognize 14:3 15:8 19:8</p> <p>record 5:12 6:13 14:15,16,25 17:16 18:24 25:3,5 27:25 52:24 53:16 57:7,19 65:16,19 74:3 75:12,16 86:22 87:6,7,12,17 91:20 92:10</p> <p>records 58:23 69:9,10,11</p> <p>refer 16:13 62:3</p> <p>reference 41:25</p> <p>referenced 48:23</p> <p>referral 30:11</p> <p>referring 18:3 37:2 71:20</p> <p>regard 6:16 36:9 40:16 42:6,8 57:20</p>	<p>regarding 16:15 34:25 37:1 39:25 48:11,24 49:15 50:25 57:21 73:20 86:23</p> <p>regardless 23:7 61:19 62:17</p> <p>region 26:21</p> <p>regional 26:14,17,24,25</p> <p>regions 26:20</p> <p>register 46:3,21 47:4,6,9,16,22 49:19 60:11</p> <p>registered 28:16 46:4 48:20 67:1 78:4,16,19</p> <p>registration 46:12,13,17 47:20,21 48:1,9 59:10 60:2 66:24</p> <p>regular 11:23 13:18</p> <p>regularly 34:15</p> <p>related 17:13 73:11 92:7</p> <p>relates 56:24</p> <p>relating 80:12,18 81:22</p> <p>relation 81:2</p> <p>relative 92:9</p> <p>releases 37:10</p> <p>relevance 60:15</p> <p>relevant 73:9,12</p> <p>rely 76:11</p> <p>remember 42:12,17,19,21</p> <p>repeat 54:18 63:9 69:22 78:17 82:20</p> <p>repetitious 59:3 85:14</p> <p>rephrase 7:2</p>
<p>question 6:19,25 7:7 38:12 41:6 57:12 58:9,15,20 59:3 62:7,11,14,20 63:1,9 65:11 67:23 70:2 73:19,22 76:9,13 78:1,6 79:10,14 83:9,24 84:11,21 85:23,25</p> <p>questioning 73:6</p> <p>questions 6:8,9,18 7:6,18,22 8:1 18:11 25:8 46:1 52:14,23 60:13,20 68:19 69:10 73:11,19 84:1 86:21 87:2,15</p> <p>quick 6:6 13:25 14:20 16:3 87:13</p>	<p>records 58:23 69:9,10,11</p> <p>refer 16:13 62:3</p> <p>reference 41:25</p> <p>referenced 48:23</p> <p>referral 30:11</p> <p>referring 18:3 37:2 71:20</p> <p>regard 6:16 36:9 40:16 42:6,8 57:20</p>	<p>remember 42:12,17,19,21</p> <p>repeat 54:18 63:9 69:22 78:17 82:20</p> <p>repetitious 59:3 85:14</p> <p>rephrase 7:2</p>

<p>report 80:18 81:2</p> <p>reported 1:19</p> <p>reporter 6:12 10:18 29:21,23 61:3,5,8 62:1 65:17 71:1,3,8 87:7,21,24 88:2 91:16</p> <p>Reporter's 3:6 91:9</p> <p>reporting 50:22</p> <p>reports 17:12 26:12 44:5 60:18</p> <p>represent 19:14 24:15 27:10,12 71:14 72:14,16 73:16 74:11 82:23</p> <p>representative 73:10</p> <p>represented 5:16 82:18 83:11</p> <p>representing 5:7 14:21 23:24 76:12 83:2,16</p> <p>represents 24:1 25:20 83:9</p> <p>request 17:11 40:21 57:17</p> <p>requested 91:23 92:4</p> <p>require 29:17,18</p> <p>required 7:7 51:1 60:9 69:20 70:4,7,10 73:13 74:12,23 76:18 77:2</p> <p>requirement 59:9,10,25 66:22,25 69:11</p> <p>requirements 48:12,25 49:16 50:9 51:21 60:5,16,24 61:18 62:16 81:23</p> <p>requires 70:15,19 73:18</p> <p>requiring 80:3</p> <p>research 40:21</p>	<p>reserve 87:2</p> <p>reside 5:14 64:14</p> <p>residents 64:2</p> <p>resolved 21:3</p> <p>resources 54:2,6,13 85:5,12,16,19 86:2,5,10</p> <p>respectful 33:19</p> <p>respond 56:22</p> <p>responds 44:22</p> <p>response 56:6</p> <p>responsibilities 12:6</p> <p>responsible 12:7</p> <p>rest 15:2</p> <p>restate 7:2 38:7,12 62:10 67:18</p> <p>result 32:22 33:12 67:13,20 68:1,7 69:6</p> <p>returned 91:24 92:1</p> <p>review 8:13 15:17 16:3,10 88:1</p> <p>reviewing 8:16</p> <p>Rich 2:13 5:1 14:17,21 87:15,18</p> <p>RICK 1:6 91:6</p> <p>Rico 11:6,10 28:15</p> <p>rides 52:10</p> <p>rights 23:24 24:3,8 25:16 32:6 34:11 44:14 47:1,24 48:10 49:21 66:13 86:6,14,15</p> <p>role 11:14,17,21</p> <p>Room 2:14</p> <p>RPR 1:18 91:15 92:16</p> <p>rule 27:9 91:21</p> <p>rules 1:21 6:6 44:10</p>	<p>Safety 4:8 71:16,21</p> <p>San 5:15 11:4,5,9</p> <p>sarcastic 53:23</p> <p>SB14 17:13 36:17 37:2,14,17 38:14 39:3,23 40:1,11,16,22 41:1,15,24 42:8,11 48:16 50:14 53:18 54:1,16,19 56:4 58:6 59:1 60:1,5,10,16 61:18 62:16,22 63:3,8,11,17 64:15,20 66:3,6 67:5,9,14,21 68:1,8,14,22 69:6,17,19,21 70:1,4,7,10,14 72:16 73:14,18,25 74:10,13,16,24 75:2,8,20 76:5,18,25 77:6,10,14,18,22 82:7 84:10,15,24 85:5,9,12,19 86:7</p> <p>SB14-related 37:1 54:7,14</p> <p>SBC 86:4</p> <p>scaling 49:13</p> <p>schedules 35:5</p> <p>scholarships 43:19 44:15,16</p> <p>school 10:15,16</p> <p>scope 56:20 57:5 58:15 59:4 60:13</p> <p>screen 24:16 71:14</p> <p>seal 90:19</p> <p>second 10:22 13:9 15:2 25:4 61:22 73:8</p> <p>SECTION 2:14</p> <p>seek 22:4</p> <p>seem 59:3 60:13,19</p> <p>seems 56:19 83:14</p>
		S

seen 19:18 70:16,17,18,24 74:8	single 61:25 69:5 77:9,13,17	specialist 10:12
Senate 36:9 37:2 55:17,23 60:23 66:16,18,22 84:25 86:16	sir 6:15,22 7:4,9,14 8:6 10:7,9 15:16,19,22 16:2 34:5,8 55:11,20 82:15	specific 33:3 42:13 45:16 48:18 49:25 50:1 52:4 59:15 66:1 76:8,19
Send 87:25	sit 50:23 75:22	specifically 7:6 18:3 23:17 35:18 54:6 55:25 56:23 57:14 69:9
sent 87:20	site 24:17 25:19 51:6 71:15	specifics 37:12
sentences 55:19	Site71 4:8	specify 66:1
separate 85:24	Site24 4:6	specifying 69:9
separation 27:13,14	sitting 58:24	spell 5:12
September 9:18	situation 12:25 53:4	spend 8:16
series 15:25	six 17:4 26:18	spending 44:11
seriously 60:12	skills 33:16	spent 54:3
serve 32:16	Slaughter 92:17	split 30:22
serves 13:11 29:9 36:12 40:6	slow 42:1	sponsor 30:11
services 33:1,4,7	small 45:14	sponsored 81:4
session 38:18 41:21	SOLUTIONS 92:16	sponsorship 30:15
sets 45:21	someone 14:18 43:1,3 47:8 48:15 69:13 78:25 79:4 80:3 81:8	sponsorships 43:11,25
setup 73:19	somewhat 21:25	standing 30:10 39:14,17
seven 26:19,22	Somewhere 12:2	start 63:7 75:14,17
several 16:21	sooner 84:5	state 1:18 5:11 10:8 11:15,16 12:5,13,15 13:8,12 18:23
shaking 6:10	sorry 19:12 39:22 66:17	21:2,3,9,10 22:18,21 24:18 26:10,11 27:2,3,11,24 28:11,18 29:3,8 30:22,23 31:5,7,9,11 35:9,14 36:1 41:13 44:20,21 45:6,7,10,15,16,21 49:2,8,11
share 84:7	sort 12:12 42:10,13	50:12,16,20 52:25
shared 25:20,22	source 60:20	53:2 54:9 55:14 60:4
short 59:16	southeast 26:18	61:24 64:5 66:14
Shorthand 91:16	SOUTHERN 1:1 91:1	73:15 82:21 90:8,24
shot 24:16	southwest 26:17,25	91:16
shown 74:1	Spanglish 38:10	stated 26:7 47:5,14
sic 34:23	speak 6:12	
signature 87:20 89:1 90:2 91:22 92:2	speaks 73:7	
Signature89 3:6		
similar 22:3 35:13		
simple 30:7		

<p>49:16,17,18 51:4,8,18 74:9</p> <p>state-level 13:16 21:7 44:7</p> <p>states 1:1 2:13,14 9:20 10:13 14:22 25:17 26:23 28:15 31:11 51:3,8,12,18,25 55:13 64:10 82:12,19,22 83:2,9,11,16 91:1</p> <p>statewide 18:8</p> <p>State-wise 49:7</p> <p>Statistics 80:24</p> <p>statute 62:24 63:1</p> <p>stenotype 1:19</p> <p>Stephen 2:8 5:6 62:12</p> <p>stephen.tatum@texasattorneygeneral.gov 2:11</p> <p>steps 50:21</p> <p>Steve 52:13</p> <p>stipulated 87:8</p> <p>stop 72:13</p> <p>Street 1:20 2:9</p> <p>strong 43:10 44:14</p> <p>structure 22:13 31:12</p> <p>subject 7:12 37:15 56:5 57:3,10 59:6 60:22 73:14 78:13 85:24</p> <p>subjects 10:17,18 34:25</p> <p>subscribed 90:16 92:12</p> <p>suffered 77:22</p> <p>suffering 7:17</p> <p>sufficient 69:16,24 74:25 76:4,23</p>	<p>suing 73:15</p> <p>suit 19:11 86:2</p> <p>Suite 2:4 92:17</p> <p>support 33:16 36:4 78:3 81:19 82:7 92:16</p> <p>supported 82:10</p> <p>supporting 30:5 49:23</p> <p>sure 7:3 9:6 11:20 12:1 14:4 16:7 17:9,25 18:6,17 20:5 25:1 27:17 30:24 37:4 40:8,15 41:12,16,17 42:24 45:23,25 46:25 49:10,12,17 54:19 55:4 62:13 69:23 74:10 76:13 78:15,18,20 79:2,8,19 82:21 83:8 85:8,23 87:3</p> <p>sworn 1:16 5:3 91:18 92:12</p> <hr/> <p style="text-align: center;">T</p> <p>table 8:5</p> <p>taking 7:21 17:24</p> <p>talk 36:4</p> <p>talked 32:9 44:1 70:3</p> <p>talking 6:16,24 37:5,8 63:18 81:4 83:19</p> <p>talks 34:9</p> <p>targeted 60:3</p> <p>Tatum 2:8 5:5,6 10:20 11:14 13:23 14:18,23,24 15:4 18:12 19:4 23:9 24:14,20 25:3,6 28:8 30:12 32:2,9,15 36:18 38:7,11 41:13 47:14 48:8 50:12 52:7,21 53:5,17,25</p>	<p>55:4 56:13,21 57:19 58:19 59:13 60:25 61:14 62:8,13,15 65:18,20 66:6,20 67:18 68:5,12,18 69:4,15 70:25 71:2,6,9,12 73:12,23 74:3,7 78:3,14 80:10 81:18 82:3 83:4,18,25 84:7,9,22 85:18 86:9 87:1,5,10,13,16</p> <p>Tatum.....5 3:5</p> <p>TCRR 91:15</p> <p>team 76:11</p> <p>telephone 2:13 14:17</p> <p>ten 29:1</p> <p>terms 81:24 82:2</p> <p>testified 5:3 36:12,17 38:16 47:17</p> <p>testify 16:14 18:20 36:5 37:23 41:18 58:3</p> <p>testimony 38:17 41:19 57:21 60:19 70:9 74:24 75:4 78:10 84:14 91:20 92:8</p> <p>Texas 1:1,18,20,21 2:5,10 4:7 5:10,15 9:19,21 10:8 11:16 12:5,14 13:5,6,7,12 20:17,24 21:15 22:6 25:20 26:7 27:11,18,23 28:2,17 31:5,10 35:18 39:2,9,20 41:2,15 43:4 46:15 50:20 52:17 55:14 56:10 60:4 61:11,18 63:2,4,10,23 64:2,5,10,14 67:1 71:15,21 72:2,3,4 74:17,18 78:14,18,20,21 79:7</p>
---	---	--

<p>91:1,16 92:16,17</p> <p>text 62:22</p> <p>thank 8:7 14:23 62:12 87:5,15 88:2</p> <p>that's 12:21 13:13 14:9,25 15:11 17:20 18:1 20:16,22,23 24:9 28:14,24 29:11 36:23 38:1,2,22,25 43:7,11 45:19 47:16,23 49:20 53:24 55:22 57:6,11,12,24 59:11 65:18 69:20 73:14,15 78:23 84:17 85:2 87:18</p> <p>themselves 23:13 27:7 81:6</p> <p>thereabouts 5:9</p> <p>therefor 92:3</p> <p>therein 90:18</p> <p>there's 12:23 15:23 16:21 25:7,9,22 26:3,24,25 27:13 28:8 30:13 35:8 44:21,22,25 45:6,13,14 49:4,5 50:22,23 60:17 69:12</p> <p>they're 20:9,20 22:16 26:14,19 31:12 46:16 80:4 83:3,6,20,22</p> <p>thousand 17:5 39:16 49:5,6 63:19,25 64:2</p> <p>throughout 26:2 46:18</p> <p>title 25:7 71:20</p> <p>today 5:16 6:14 7:15 8:9,20 9:9 37:24 39:17 58:4,24 86:22,23</p> <p>today's 68:13,21 77:16,20</p> <p>top 71:19</p> <p>topic 17:10 19:2 56:24</p>	<p>topics 16:10,15,17 18:18</p> <p>total 45:3</p> <p>totally 18:6</p> <p>touched 84:1</p> <p>toward 34:3</p> <p>towards 54:2,13 85:20 86:10</p> <p>transcribe 6:13</p> <p>transcript 87:8 91:19,25</p> <p>transparency 44:10</p> <p>transporting 53:3</p> <p>treasurer 13:10 44:4,19,20,21,22</p> <p>trial 87:3</p> <p>tried 34:22 73:23</p> <p>true 56:13,14 90:2 91:19</p> <p>trust 24:22</p> <p>truth 7:11</p> <p>truthful 16:14</p> <p>truthfully 7:18,22 8:1</p> <p>try 6:16 35:21 53:22</p> <p>trying 23:10 27:20 52:13,24 73:17,25</p> <p>turn 14:6 15:20</p> <p>two-second 53:12</p> <p>type 21:13 62:2</p> <p>types 70:6</p> <p>typically 43:14</p> <hr/> <p style="text-align: center;">U</p> <p>uh-huh 6:11,15 24:24 35:25 43:17</p> <p>ultimate 45:8</p> <p>unable 57:20 58:24</p>	<p>66:3</p> <p>underneath 34:6</p> <p>understand 6:14,21,25 7:3,8,10 16:7 17:10,11 18:6 32:2,13 50:4 57:1 60:14 70:2 73:24 83:15</p> <p>understanding 27:21 38:22,25 39:11</p> <p>understands 73:18</p> <p>Understood 38:11</p> <p>undertake 41:23</p> <p>United 1:1 2:13,14 9:20 10:13 14:12,21 15:14 16:12 25:13,17,25 51:3,8,17,24 82:12,18,22 83:2,8,11,16 91:1</p> <p>university 46:15</p> <p>unlawful 55:18</p> <p>unless 7:6 55:2 62:3 72:4</p> <p>usually 22:18 28:24 29:1 30:3</p> <hr/> <p style="text-align: center;">V</p> <p>Vacation 11:12</p> <p>vague 41:8 47:13 68:9,16 69:1,7 77:23 82:25</p> <p>vagueness 32:1</p> <p>various 52:19 55:15</p> <p>VEASEY 1:3 2:3 91:3</p> <p>verbal 6:9</p> <p>via 2:13 14:17</p> <p>vice 13:8 26:14,16,21,22 27:1</p> <p>view 27:9</p> <p>views 47:24 49:24</p>
---	---	---

voice 41:1,14	51:6 71:15	82:1 83:1,15
Voicing 38:20	week 41:11	84:17,20 85:15,25
voluntary 12:20	we'll 17:7 19:1 31:4	87:1 91:18,20
volunteer 33:10,22	well-being 40:13	witness's 60:15
vote 20:19 21:5 22:25	we're 5:9 21:8,11,12	work 12:19,25 30:6
36:3 46:3,5,22	84:3	34:3
47:5,6,9,16,22,23	West 1:20 2:4,9 92:17	works 20:23
48:21 49:19,22 50:14	we've 14:18 43:9 74:1	worry 83:24
51:20,22 53:22	84:1	Wow 11:25 26:19
66:7,24 67:5,9 69:20	whatever 7:2 21:3	write 39:24
70:7,11 72:3 74:12	22:17,21 23:7 30:5	written 17:24 39:24
78:4,15,19,22,25	33:12,15 46:13 49:24	58:21
79:3,5,6,8 80:4		
84:13 85:1 86:8	whenever 33:16	
voted 23:17 63:6,7,11	whether 18:4,8	<hr/> Y
voter 46:17 47:20	20:1,20 22:4 23:8	y'all 43:12,21
48:1,9 49:15 59:10	36:3 39:4 40:2	yea 21:5
60:1 66:24	41:4,16 42:16	yesterday 8:20,25
79:11,17,22	48:2,16 49:22 56:10	9:2,4 65:6
80:2,5,12,19	64:16,22 65:14 73:17	yet 72:13
81:2,19,22 82:10	75:10,25 76:2,9,24	you'll 46:19 62:6
voters 17:14 52:7	79:15 83:8	young 44:17
55:15,16,24 56:11	whole 6:11 10:13	yourself 6:2 14:19
67:1 72:2,3	25:22 32:18 33:13,17	youth 35:3
78:4,16,19	49:9 62:24 63:1,4	you've 6:2 16:11
votes 70:15 82:4	72:12	22:12 28:10 29:5,7
voting 2:14 46:12	whomever 24:5 81:11	43:9 58:2,3 74:7,9
47:1,19 48:12,24	who's 39:17	
50:1,9 51:21 53:7	whose 90:15	
66:13	withdraw 32:8	
vs 1:5 91:5	witness 1:15 10:19	
	17:17,22 18:1,6,9	
<hr/> W	22:12 24:19 28:4,7	
wait 6:20	29:22,24 31:22 32:13	
waive 87:20,21	36:15 38:4,9 41:10	
Washington 2:15 35:3	47:19 50:11 52:2	
wasn't 21:20 23:14	53:2,12,20 54:23	
37:22	56:3,7 57:6,8,9,11	
waste 73:8	58:16 59:8 60:24	
ways 52:3	61:4,7,9 62:14	
weapons 61:12	66:9,12,17 67:16	
Web 4:6,8 24:16 25:19	68:3,10,17,24 69:2,8	
	71:5 74:5 77:25	
	78:9,11 80:7 81:17	